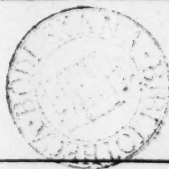


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STATE
TRACTS:
BEING A
COLLECTION
OF SEVERAL
TREATISES

Relating to the
GOVERNMENT.

Privately Printed in the REIGN of
K. Charles II.



L O N D O N,
Printed in the Year 1693.

STATE

TRACTS

AMERICAN

COLLECTION

OF SEVERAL

TREATISES

Relating to the



GOVERNMENT

Printed in the Press of

W. K. Charles H.

LONDON

Printed in the Year 1893

THE BOOKSELLER TO THE READER.

IF these Collections should chance to fall into the hands of some Persons for whom they were not design'd, it will be requisite to inform them, That they were not intended to be made Publick, but were Printed at the request, and for the sole use of some particular Gentlemen, who set an extraordinary value and estimate upon them: and that not undeservedly: For they contain, 1st. The most material Passages of State, which hapned in the Reign of King Charles II. especially from the year 1671, to the year 1681. with the secret Springs that set them in motion, 2^{dly}. In them is the Constitution of the English Government truly Stated and Asserted; and a clear demonstration, how much it is the Interest of England to preserve the Ballance of Europe, by opposing the growing greatness of the French King. 3^{dly}. From these Collections will appear, upon what solid grounds the League was founded to put a stop to the French Conquest, and how unworthily was it broken by the pernicious Counsels of some French Pensioners here. 4^{thly}. Here may be found, what Reason the Parliaments had to be afraid of Popery and Arbitrary power, after the War with Holland was begun, and the Declaration of Indulgence was Publish'd, which the King, at last, was forc'd with much ado to cancel, for a very good Reason which the House of Commons then gave, and we have since found too true, [That his Majesties pretended Power of suspending the Penal Laws in Matters Ecclesiastical, might tend to the Interruption of the free course of the Laws, and the altering of the Legislative Power, which hath been always acknowledg'd to reside in his Majesty and his Houses of Parliament.] Lastly, It will hence appear, what Preparations were then making towards those designs, that had almost ruin'd the Nation since; by the Transactions of those times both at Home and Abroad.

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*England's Appeal from the Private Cabal at White-Hall,
to the Great Council of the Nation, the Lords and Com-
mons in Parliament Assembled. By a true Lover of his
Country. First Printed Anno 1673.*

Phædrus Lib. I. Fab. V.

Anglicè.

*Nunquam est fidelis cum potente societas,
Testatur hæc fabula; propositum meum.*

*England this Fable plainly shews,
A strong Allie no Partner knows.*

Vacca, & Capella, & patiens Ovis in-
juris,
Socii fuerunt cum Leone in salibus.
Hi cum cepissent Cervum vasti corporis,
Sic est locutus, partibus factis, Leo:
Ego primam tollo, nominor quia Leo:
Secundam, quia sum fortis tribuisti mihi.
Tum quia plus valeo, me sequetur tertia.
Malo adficietur, si quis quartam tetigerit.
Sic totam prædam Sola Improbitas ab-
stulit.

THe Bull, the Goat, and patient Sheep one
day,
Leagu'd with the Lyon, sought a Common Prey;
A Prey they took, an high and might Hart;
Of which each thought to have his equal part:
Soft, quoth the Lyon, I the first share claim,
'Cause Lyon, King o' th' Forest, is my name;
The second you shall give me as my due,
'Cause I am valiant, able to subdue:
The third I take by force; and for the rest,
Touch it who dares; yield it all, you bad best.

THIS is an Age of Wonders: And if with a considering Eye we take a careful View of Europe, we shall find, that some Years last past have presented us with as many things worthy of admiration as any former Age hath afforded to our Forefathers. The Revolution of Portugal, and the wonderful Secrecy with which it was carried on, is not to be matched in any Age. The Tragi-Comedy of Massinello, looks more like a Poetical Fiction than a real Truth. The Deposing of Kings, and (which is much more strange) their Voluntary Resignation (of which the Annals of Ancient Times furnish us but with very few Examples) are become the common Theame of our Journals; and if from the rest of Europe we turn our Eyes towards this Island, our surprisall will increase, and we shall find, that this little British World is a small Enchyridion or Epitome of all the stupendious Events that ever hapned in the great one. We have all seen or had a share in those Passages which Posterity will hardly give more credit to, than we do to what is said of King Arthur's Round Table. And 'tis not improbable that some Hundred Years hence the History of our late Revolutions will be ranked among the Fabulous Romances of Gildas, and such other Writers.

But it may be, among all our unexpected Changes, Revolutions and Counsels, there is scarce any more justly to be wondred at, than the present Alliance with France and the War we have undertaken, and do still persist to prosecute against Holland, in so dangerous an Association with the French. It was undoubtedly above the reach of an ordinary Understanding to imagine or suspect (in the least) that a Protestant Kingdom, without being compelled to it by some urgent and unavoidable Necessity, should ever fight with so much fierceness for the destruction of the Protestant interests: or that Eng-
lish Counsellors should advise His Majesty to run the Fortune of a French King, without a rational prospect of advantage to himself. Would any man that judgeth of things according to the ordinary Rules of Prudence, have thought, that in order to the making good our Title to the Kingdom of France, we should enable their present King to invade all Christendom, and to extend his Empire without bounds; or that to secure to our selves the Sovereignty of the Seas, we should with so much industry endeavour to

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force all the *Dutch Ships*, with all their Naval Power, into the *French Arms*, and rejoyce at their Victories, as if by Conquering the Land, they did not Master at the same time their Havens, their Rivers, and their Fleets? We have been often told of brisk Messengers sent formerly to the *French Kings*, as soon as they did but lay the Carcase of some pitiful Ship upon the Stocks. But we did never so much as dream, that Vice Admirals, and other considerable Sea-Officers should be sent to the *French Court* to encourage and promote the setting out of their Fleets: That pitying their want of Experience in Sea Affairs, we would out of Compassionate and Brotherly Love, lead their raw Seamen by the hand, train them up in our Fleets, and amongst the best of our Seamen, teach them what Skill we have learnt in a long and dear-bought Experience; And to Crown all, even fight for them, and interpose between them and danger, with so good success (as it proved) that the *French Squadron* (as if the Engagement had been only designed for an Entertainment and Diversion to them) came off as fresh and as whole as when they first sailed out of their Ports. The surprising novelty and strangeness of these unexpected Counsels hath occasioned the following Reflections. And all men being equally concerned in the preservation of the Ship they sail in, though all do not sit at the Helm, it is every ones Duty, as well as their undoubted Right, to prevent as much as they are able, a fatal running upon Rocks, which may chance not to be discerned by others. Upon this just and well grounded Confidence, I presume to direct these Papers to the real Council of the Nation, humbly begging, that they be read with an unbiassed mind, and Truth weigh'd in the balance of the *Sanctuary*. Before all, I must premise, I do not intend to write an Apology for the *Dutch*, nor to justify all their proceedings, much less to encrease the number of the scurrilous Pamphlets against them, which I am confident will affect no sober man in the Nation, and need only be read to be confuted. I'll only say, that since all Christians should above all things enquire into the Justice of their Arms, before they either take them up, or refuse to lay them down; it will become the Wisdom and Prudence, of both Houses to hear what the *Dutch* may say for themselves, and to take into their serious Consideration the Protestations they make both in publick and in private, of their unfeigned desires, as well as readiness to give *England* all possible satisfaction, and buy His Majesties Friendship at a more than ordinary Rate.

But my present Design being not to enter further into these particulars, nor to examine the Justice or Injustice of this War, but rather to consider and quere (supposing it had been never so just at first) how far it may beadviseable to continue it, I will with as much clearness as I am able, and in as few words as the matter will bear, confine my self to these following Heads:

1. *A Short Account of the Crown with which His Majesty is entred into League.*
2. *The necessity and unavoidable Consequences of this War.*
3. *Some general Reflections upon the whole, with some Account of the manner and steps by which this War was both prompted and begun.*

1. All those who are not altogether Strangers to the World, will easily grant, that of all the Kingdoms of *Europe* there are none but may be said inferiour to *France* in some respect or other, and to want some advantages which *France* enjoyeth in a very eminent degree. The greatness of its Territories, the Populoufness of it, the Number of their Gentry and Nobility, their Natural Courage; together with the advantage of being trained up either to Military Actions, or to Warlike Exercises, ever since the Foundation of their Monarchy, the Situation of their Country, and the Opportunities they have by it to annoy their Neighbours upon all Occasions; the Fruitfulness and Riches of the Soil, together with the prodigious quantity of all sorts of Commodities, manufactured and unmanufactured, with which they supply their Neighbours; and lastly, the great Revenues of their Kings, who governing of late without controul or check, are so much the more able to oppress their Neighbours. All these Advantages meeting together, they have in all Ages had aspiring thoughts, and under *Charlemain* had erected a new *Western Empire*, which in all likelihood would have proved of long continuation, had not those great Dominions been shared and divided between the said *Charlemain's* Children, which in the succeeding Ages proved an occasion of many great and bloody Wars.

2. A Second and memorable stop to the increase of the *French* was, when by the Ambition of *Hugh Capet*, who aimed at the Crown, to usurp it with less opposition, and to draw the Grandees into his Party, he made all their Governments Hereditary, and erected them into a kind of Principalities held in *Capite*; from thence sprang so many great Families, able afterwards to wage War against the *French King*. And whilst they were thus in a kind of Minority, the House of *Burgundy* having joyned with *England*, brought that Kingdom to the Low Condition every one knows.

Private Cabal at White-Hall.

3

Lewis the 1st was the first, who, after the *English* had lost not only their new Conquest, but also what they had possessed of old in *France*, raised the *French* Crown to a greater height, and his Son *Charles* the 5th, besides the acquisition of *Brittany*, frighted all *Europe*, by his surprizing Conquest of the Kingdom of *Naples*.

This occasioned a general Confederacy of all Neighbouring Princes against him, where-by he soon lost what he had gotten. But still the ambitious thoughts of his Successors would have much endangered the Liberty of *Europe*, if the *Austrian* Family (raised on a sudden to a vast Grandeur by the occasion of an innumerable number of Provinces united in *Charles* the 5th.) had not carried the Imperial Crown from *Francis* the 1st, who stood with much eagerness for it, and had already engaged several of the Electors.

This having over-balanced the *French* Power, the said *Francis* the 1st, though helped several times by the great *Solyman*, Emperour of the *Turks*, was at last forced to yield to the victorious Arms of *Charles* the 5th, who took him Prisoner, and forced him to buy his Liberty with a very disadvantageous Peace.

But his Son, *Henry* the Second, had better success; and amongst other advantages he added to his Dominions Three very fair Imperial and Episcopal Towns, and was likely to have gone further, had he not been prevented by a sudden Death. *England* all this while (true at that time to their own Interest) with a skillful hand holding the balance, and keeping the Contesting Parties in as great an Equality as their own Occasions would permit.

Under the Minority of his Children, the bloody Massacres and Civil Wars began, which lasted Forty Years, and would have put an end to that Monarchy, if the Ambition of *Philip* the Second would have given way to the dividing of it into the several Principalities, which the respective Grantees aimed at.

But *Henry* the 4th, strengthened by the Divisions which grew between the *Spaniards* and the holy League, having won many Battels, made his Title to the Crown good, by the success of his Arms, and not long after concluded Peace with *Spain*, to gain time to breath, and to recover new strength.

No sooner was he at rest, but he bent all his thoughts upon a Project as vast in the Design of it, as extraordinary in its Nature, intending no less than to cast *Europe* into a new Mold, and to reduce all the Kingdoms and Commonwealths that were in his time, to a certain Number, and to bring them within such bounds as he should prescribe to them, being sure however in this Marshalling, to take such share to himself as would have enabled him (or at least his Successors) to grow into an universal Monarch.

To effect this, he had already made choice of his Generals, and other great Officers, and was preparing both Arms and Money, when a sudden and unexpected Death puts an end as well to his undertaking as to his life.

The beginning, and in truth the greatest part of the Reign of *Lewis* the 13th, his Son, was much disquieted by intestine broils and Civil Wars, during which the house of *Austria* was very near bringing all *Germany* under their subjection, and after the Battel of *Prague* stood very fair for the universal Empire. But *France* having at last quieted all at home, did (under pretence of opposing the *Austrian* Family, and whilst they were courted by several Princes to assist and protect them against the Emperor) vastly increase their own Power, and conquered new Provinces, and considerable Towns in *Spain*, *Italy*, *Germany*, and the *Low Countries*, which raising new jealousy in their own Allies, occasioned the Peace of *Munster* to prevent their further progress.

About the same time the new Civil Wars which broke out in *France*, under the Minority of the present King, gave opportunity to *Spain* to recover part of their Losses, till the late Protector of *England*, joining with the *French* (for the advancement of some private ends of his own, and by a Policy from which the destruction of *Europe* may chance to take its date before we are much older) brought them into a decaying condition, and made the *Pyrenean* Peace (after the death of *Cromwell*) most welcome to them.

Before we go further, and come to give a more particular account of the present *French* Court, I will beg leave to stop here a while, and desire the Reader to take along the following Inferences, from what hath already been hinted, a more full knowledge thereof being left to the perusal of their Histories.

1. That no greater Proofs can be given of the internal strength of the *French* Nation, than their overcoming the many dangerous Convulsions of State, they have from time to time struggled with, which in all appearance would have destroyed any other Nation.

2. That in all Ages, as soon as their intestine Troubles have been over, they have still, out of a restless Warlike Humour, endeavoured to encroach upon their Neighbours, and to increase their own Dominions, laying hold of all Opportunities to disturb Mankind, and having never been able as yet to lay bounds to their Ambition.

Lewis

England's Appeal from the

3. That this Ambitious Humour of theirs, supported by the greatness of their power, would long before this time have brought all *Europe* under their subjection, if their own division and private quarrels had not from time to time put back their designs for many years, or their greatest Princes been cut off before they could finish their intended work.

4. and Lastly, as a consequence of the three former, that it was ever, and will be still, the true interest of *Europe* to oppose the *French* designs, or if there be any occasion of making use of them against some other opposers, not to accept of their assistance, longer, or further than publick utility requires it, nor to suffer them to proceed after the danger is over, as it was practised in the peace of *Passaw*, in the time of *Henry II.* and that of *Munster*, in both which the *French* were stopped in their full career by their own Allies, though they still came off with profit.

The *French* having thus in the last Wars, added many fair Provinces and Towns to their Territories, this present Court had no sooner made Peace with *Spain*, but they thought of laying the foundations of a vaster Empire than ever. And perceiving that since the discovery of the *Indies*, and increase of Trade, Naval strength was the most important of all others, and Navigation and Commerce the greatest (if not the only) supporters of it; they first erected and encouraged several Trading Companies, and in the second place they spared no cost, and stuck at no charge of expence, to purchase a considerable Fleet of Men of War; wherein they have been so success, that I fear their Fleet (excepting the true Courage of our Sea-men) is not much inferior to that of His Majesties, as incredible as it may seem at first, considering how few years they have applied themselves to it.

But whilst they were thus intent upon the increase of their interest at Sea, they let no opportunity slip of enlarging their Empire at Land; for during the late War with *Holland*, they invaded (in 1667.) and mastered a considerable part of the *Spanish Low Countries*. In 1669. they hunted the poor Duke of *Lorraine* out of his Dutchy, and to this day possess it all, and now this last year they have conquered half the *United Provinces*; much less than this was more than sufficient to awaken all *Europe*; and His Majesty, above all others, being, out of His Princely Wisdom, very sensible that the keeping a true balance between the Princes and other States of *Europe*, was the only security of all; and that by a timely stop to the *French* Conquests he would reap an infinite Honour and Profit; as soon as the *French* King fell upon *Flanders*, he began to think of applying fit Remedies to so dangerous a Disease, and having concluded a Peace at *Breda* with the *Hollanders*, he sent them in private, in January 1668, Sir *William Temple*, who was then his Resident at *Brussels*, to propose a nearer Alliance with them, and to take joint measures against the *French*.

No small Argument by the way, of His Majesty's aversion to the *French* designs, and of the fear he had of their increase, since to prevent it, he went so far as to seek the *Hollanders* first, and to propose stricter Alliance with them, after so fierce and recent a War ended, with the unpleasant circumstances of *Chatham*.

Sir *William Temple*'s Proposals having been entertained with all ready compliance by the *Dutch*, he waited on His Majesty to give him an account of his Negotiation, and within five days after he was sent back to the *Hague*, with all necessary powers and instructions; by virtue of, and in conformity to which, he concluded and agreed upon two several Treaties with the *Dutch*, the one, a defensive and stricter League than before, between the two Nations; and the other a joint and reciprocal Engagement to oppose the Conquest of *Flanders*, and to procure, either by way of Mediation or by force of Arms, a speedy Peace between *France* and *Spain*, upon the Terms therein mentioned; and, because *Sweden* came unto the same Treaty very little after, from the three Parties concerned and engaged, it was called the *Triple League*. In pursuance of this, the Treaty of *Aix la Chapel* was forced upon the *French*, and in some manner upon the *Spaniards*, who were very unwilling to give away, by a solemn Treaty, so great a part of their Country. But both His Majesty and the *Hollanders*, thought it a very great and good work, and judged it a great happiness, not only for *Spain*, but for all *Europe*, to come off with a broken Pate, and to have at least for that while kept *France* from going further.

This was represented to the Parliament with all the advantages of Language, and nothing omitted in the respective Speeches of His Majesty himself, the Lord Keeper, and many private Members, that could make both Houses (and with them the whole Kingdom) sensible of the great Service done to *England*, and in a manner to all Mankind, by chaining up a devouring Lion, who was never satiated with prey.

This *Triple League* grew so famous, that it proved the politick Influence of our *Justice*. In the Name of the *Triple League*, and of the Treaty of *Aix la Chapel*, several Subsidies were both demanded and granted, for two or three sessions together; the *Triple League* stopped or annulled all Impeachments; for its sake Inquiries into Misfearri-

Private Cabal at White-Hall.

ages were laid aside. And the Parliament did conceive they could neither give nor forgive too much, if by their compliance they could but contribute somewhat towards binding the *French* to their good behaviour.

Besides this, to tie the Knot faster, and take even the very thoughts from the *French* King of ever stirring, or being troublesome to his Neighbours, His Majesty sent an Extraordinary Envoy to several Princes of *Germany*, to invite them into a Triple League: His Minister, to persuade them to it, laying open with no less heat than plainness, the Danger all *Europe* was in, the insensibility of most Princes, and their carelessness, the watchful Ambition of the *French*, the greatness of their Forces, and the little reason one had to trust them. In fine, omitting nothing that could alarm all the World, and procure a general Confederacy against the common Oppressor. Nay, to evince and demonstrate (besides all we said now) that this Triple League was not entered into out of a particular respect or personal kindness to the *Spaniard* (not to speak now of the Misunderstanding and Jarring between *England* and *Spain* in the *West-Indies*) the *Spaniards* being very much wanting to themselves, by their backwardness in the Payment of the Subsidies promised to *Sweden*; His Majesty, not to be wanting to *Europe*, and consequently to his own Kingdoms, out of the deep sense he had of the necessity of preserving the Triple League entire, and being not without fears the *Suedes* might fall off, unless the Money agreed upon was paid them without further delay, he offered in *Septmber* or *October* 1668 to advance himself part of it, and had accordingly done it; in case the *Dutch* would have advanced the rest.

All this doth abundantly shew what Opinion His Majesty and his Council were used to have of *France*, as well as both Houses, and the rest of the Nation: And therefore, without considering how things came to be altered (which we may take hereafter some notice of) we may lay down as an undeniable English Principle, and a Maxim never to be swerved from, *That France is no ways to be suffered to grow great, much less to have their Designs promoted*; as it is plain to all Mankind they are now.

But we must go somewhat further: And there being nothing more dangerous than to joyn in any ambitious Design with a Prince against whom we can no ways secure our selves, in case he break his Word to us, it will not be amiss to consider how far one may rely upon the Candor and Integrity of the *French* Court, and what may rationally be expected from their Generosity.

In order to this, since the Heart of Man is not known otherwise than by a careful Observation of their Actions; and that we cannot judge of things to come, but by Inferences and Arguments drawn from those that are past: the best way to satisfy our selves, is to take a short survey of the Carriage and Conduct of the *French* Court for these last thirteen Years; during which, they have had still the same Ministers, who are not like to act henceforth upon any other Principles, or by other Methods than they have done hitherto; and they having been brought up in so good a School as that of Cardinal *Mazarine*, whose Motto was, *That an honest Man ought not to be a slave to his Word*, it must not be wondered at, if they do still, as much as they are able, influence their present Master, and endeavour to persuade him that,

Si Violandum est jus, Regnandi causa Violandum est.

The first proof of the honesty both of the Cardinal himself and of his Disciples, is their Carriage in the *Pyrenean* Treaty, and their performance of what was most essential in it, wherein is to be observed that,

By the Endeavours of the Queen-Mother of *France*, a Peace being promoted between the two Crowns, with a Marriage between the *French* King and the *Infanta* of *Spain*, the whole Treaty was grounded upon two considerable Points; which, till granted by *France*, had still hindered the Conclusion of that great Work: the one was the forsaking of *Portugal*; and the other a Renunciation of the *Infanta* (consented to and ratified by the *French* King) of all her present and future Pretences, Titles or Claims whatsoever, to the *Spanish* Monarchy and Dominions thereof, or to any part of the same. 'Left, saith the Treaty, the Glory of their respective Kingdoms should come to decay, and be diminished, if by reason, and through the said Marriage, they came to be united and joined in any of their Children and Posterity, which would occasion to the Subjects and Vassals such Troubles and Afflictions as might easily be imagined.

As to the first, viz. the exclusion and forsaking of *Portugal*, the words of the Treaty are these: 'His said Majesty (the *French* King) will intermeddle no further in the said Business, and doth promise and oblige himself upon his Honour, and upon the Faith and Word of a King, both for himself and his Successors, not to give, neither in common, nor to any Person or Persons thereof in particular, of what Dignity, Estate or Condition soever, either at present, or for the future any help or assistance, neither

neither publick nor secret, directly nor indirectly, of Men, Arms, Munitions, Victualling, Vessels nor Money, under any pretence, nor any other thing whatsoever, by Land or by Sea, nor in any other manner, as likewise not to suffer any Levies to be made in any part of his Kingdoms and Dominions, nor to grant a passage to any that might come from other Countries to the Relief of the said Kingdom of Portugal.

I suppose all the World will grant, it were hard for the Wit of Man to find out, or so much as imagine stronger Words, or fuller Expressions in a Treaty, to prevent what the Spaniards were so much afraid of, *viz.* the Assistance of Portugal. Let us now see how it was performed.

As soon as this was agreed on, and before the Treaty was signed, Cardinal *Mazarin* (still resolved as well in this as upon all other occasions, not to be *Esclave de sa parole*) sent privately the Marquess *de Champes* into Portugal, to assure them, That in order to the Conclusion of the Treaty then on foot with Spain, they were forced to leave them out, and to engage not to assist them: but that whatever they promised, they would never forsake them, and would still protect them against Spain as much as they had done before. The truth is, they kept their Word to Portugal much better than they did to Spain. And the Peace was no sooner made, but they sent him the usual Supplies of Men, Arms and Money; and a while after, notwithstanding their former Treaty with Spain, and in the view of the whole World; they entered into an Offensive League with that Kingdom against all their Enemies, whereby, amongst other things, the French were to have all the Sea-Towns that should be taken from Spain delivered to them: All which, with many other particulars, too long to be inserted in this short Discourse, may be seen more at large in the incomparable Books of the Baron *de Issola*, intituled, *The Buckler of State and Justice*, which to this day could not be answered by the French, tho often challenged (and so much concerned in Honour) to do it.

The other Security of the Pyrenean Treaty as to Spain, and that without which they could never have given their Consent to their Marriage of the *Infanta*, was the Renunciation before-mentioned; and whosoever reads it, will be apt to think, a General Council of the *Civilians* was called, to out-do all former Expressions used in such Contracts, and to find out new binding Clauses, to take off all possibility of Evasion. And to make it more sacred yet, and more inviolable, there being no greater Tie upon Sovereign Princes, than that of publick and solemn Treaties, the Act of the Renunciation was incorporated into the very Treaty of Peace, to make up both of them but one Body, tho digested unto different Instruments, as is expressly declared in the 33d Article of the Treaty of Peace; wherein speaking of the Contract of Marriage, to which they refer themselves, these words are added, *Which tho it be separated, hath the same force and vigor with the present Treaty of Peace, as being the principal part thereof, and the most precious Pawn of its greater security and lastingness*.

But the French Lawyers preferring the little Quirks of Law before Publick Faith; and pretending they might bring the Authority of solemn Treaties (which are the true, and indeed the only Law between Sovereign Princes) under the cavil of *Municipal Laws*, and local Customs, endeavouring to persuade the World, that their Master was not bound to stand to what he had so solemnly promised and confirmed by sacred Oaths: And the French King, after the Death of the late King of Spain, claimed (notwithstanding the said Renunciation) a great part of the Spanish Low Countries, as being devolved to him in Right of his Wife, by the Municipal Laws of those Countries: And to back his unexpected Claim with more effectual means, he invaded the Country with a powerful Army.

This Invasion, so contrary to his Engagements, and so destructive to the very Essence of the Pyrenean Treaty, was attended with some Circumstances no less surprizing than the Breach it self.

The one was what passed at Paris between the French King himself, and the Marquess *de la Fuente*, Extraordinary Ambassador from Spain, And the other, what the French Ambassador (the Archbishop of *Ambrun*) declared at Madrid in his Master's Name.

As to the first, the said Marquess *de la Fuente* being upon his Return into Spain, after the Death of the late King his Master; and being not without apprehension and jealousy the great Preparations made in France were intended against the Queen his Mistress, and the King her Son, was very earnest with His Most Christian Majesty to give some new and greater Assurances to the Queen of Spain of the reality and sincerity of his Intentions, to quiet and settle her Mind, against all the contrary Advices she received from all parts; whereupon the Most Christian King did, with all possible Asseration, engage his Faith and his Royal Word to the said Queen, That he would religiously keep the Peace, and continue a Faithful Friendship both to Her, and to her Son.

And

And the Archbishop of *Ambrun*, after the *French Army* was already in the Field, and had possessed *Charleroy* some four or five days before the News of it came to *Madrid*, did in *verbo Sacerdotis*, and upon all that is most sacred amongst the *Roman Catholics*, protest and vow to the Queen, that his Master intended nothing less, than what was reported of him: and would never break with the King of *Spain*, or invade his Dominions as long as he was under Age.

But the March of the *French Army*, and the Hostilities they committed, agreeing so little with their Promises, and the same being complained of, they answered, It was no Breach, and that they only went to take possession of what belonged to them.

This War, or, as the *French* term it, this friendly possessing themselves of the *Spanish* Dominions, ended by the Treaty of *Aix*. After which, contrary to the Treaty it self, they first dismantled all the strong Places and Holds of the County of *Burgundy*, carried away all the Munitions out of the Country, and would have destroyed the rich Salt-Pits of that Province, had not the powerful Interposition both of *England* and *Holland* prevented that Spoil.

Notwithstanding the same Treaty of *Aix*, they exacted great Contributions from the Dutchies of *Lymbourg* and *Luxembourg*; They lay a new Claim to some Towns, as important as any of those that have been granted to them by the Peace; They have confiscated the Estates of the Subjects of the King of *Spain*, that would not forswear their Allegiance, and have not spared the very Royal House of *Mary Mont*; Nay, as if these Infractions were not sufficient, and still to encroach as far as they were able, they forced their way with great quantities of Merchandize through the *Spanish* Territories, without paying the Customs, and not long after endeavoured to surprize the Town of *Hainault*.

Thus they have dealt with *Spain* ever since the *Pyrenean* Treaty.

Let us see now how other Princes have fared with them: We'll begin with the Duke of *Lorrain*.

By the *Pyrenean* Treaty, the said Duke was to be restor'd to his Dutchy of *Lorrain*, with all the Places and Towns which he had possessed in the Bishopricks of *Mentz*, *Toul*, and *Verdun*. But *France*, after the Execution of the other Articles of the said Treaty, deferred as long as they could the performance of that part which related to the Duke, and refused still to return him his Country, till they had brought him to make another Treaty with them, whereby he was forced to part with several considerable places over and above what had been granted to them by the General Peace: Then, after a year and an half of an unsettled Possession, during which, under several unjust pretences, new Quarrels were picked every day, they forced him with a considerable Army to give them his Town of *Marsal*.

And not long after, they again compelled him to sign a new Treaty, more disadvantageous yet than the two former; since which he could, as little as before, have a quiet enjoyment of that little they had left him. They every day encroached upon his Jurisdiction, the Limits of his Territories, and his Sovereignty it self: They laid enormous Taxes upon his Subjects: They caused him to disband his Forces, and to raise new Men again as they thought fit; they kept him from revenging his own quarrels, to take part in that of others; they let loose all his Enemies against him, and stopped the progress of his Armies, as soon as he had the least Advantage; and in few words, he was all that while more a Vassal to *France*, than a Sovereign. But yet all this would not satisfy the *French* Court; and taking it ill that his Obedience was not altogether so blind as they would have it, they ordered one of their Generals to seize his Person, and to bring him either dead or alive, as it was very near being effected. A new way of dealing with a Sovereign Prince, not known yet in these parts of the World, and which may give some hopes to *Europe* of seeing ere long the *West* governed by *Bashaws* as well as the *East*.

The Kingdom of *Poland* comes next, which hath lain a bleeding ever since they have had a *French* Queen, and which is at this instant in an imminent danger of being conquer'd by the *Turks*, through the means of the *French* Cabal, who have called into the Kingdom the Enemy of the Christian Name, merely because they could not have a King either of *French* Blood or of *French* Interest.

The Duke of *Newburg* was not much better used; and whilst they caused him to engage the greatest part of his Estate almost beyond Redemption, in hopes of the *Polish* Crown, which they had promised to raise him to by the help of a strong Party they had made in that Kingdom, they under-hand, contrary both to their Treaties (as well with the *Electors* of *Brandenburg* as with himself) and to their reiterated Promises and Vows both by word of mouth and in writing, did by their Creatures and Agents oppose the said Duke's

Duke's Protenſions, and endeavoured with all Induſtry to have the Prince of *Conde* preferred before all his Competitors. A particular deduction whereof will (if ever published) without any other Inſtance, be a ſufficient warning to all Princes, and give them a perfect Character of the *French* Court.

The Emperour hath as little reaſon to thank them; and at the very time the moſt Chriſtian King ſent him Forces to join with his Army againſt the *Turks*, they began to ſettle a Correſpondence with the Count *Serini*, *Franchipany*, *Nadaſti*, and *Totenback*; from whence the ſo well known Conſpiracy hath ſince broke out, as hath appeared by the Depoſitions and Confeſſions of ſome of the Accomplices, who had been inſtrumental in carrying both Money and Letters from the French Miniſters at *Vienna* to the ſaid Conſpirators.

Not to ſpeak now of what Arts they uſed to hinder his Election at firſt, and ſince that, to leſſen his Authority, and diſturb all *Germany* by their Intrigues and private Treaties with ſeveral Princes, contrary to the Treaty at *Munſter*.

To which may be added, That one of the great Motives of bringing the *Turks* into *Poland*, was the Marriage of the Emperour's Siſter with their King.

Yet it muſt be owned alſo, that the *French* ſeem to have repented their pernicious Intrigues and Caballing in that Kingdom; for when they ſaw the Emperour preparing in earneſt to aſſiſt the *Dutch*, to diſſwade him from that Deſign, and to engage him (if it had been poſſible) not to concern himſelf, or take part in the Quarrel; they very fairly offered him to put into his hands, and deliver him all the Original Letters they had from their Creatures and Friends in *Poland*, to the end both his Imperial Maſteſty, and the King of *Poland*, his Brother, might take what courſe they thought fit with thoſe Rebels: A fair warning to all thoſe that prefer *French* Money before their Loyalty and the true Intereſt of their Country.

Nay, I doubt the *Swedes*, their good Friends, have not always been pleaſed with them; and they cannot to this day forget, that ſome ten years ſince, having made a Treaty with the *French*, whereby they were to receive, by way of Gratuity or Penſion, Sixteen hundred thouſand Crowns, the *French* (upon ſecond thoughts) finding their Treaty with *Sweden* of little uſe to them, reſuſed to ratifie it, and ſent them *Monſieur de Trelon*; who, without more words, told them in ſhort, That the King his Maſter declared it to be void. A fine Court-ſtile, for one Prince to uſe to another! and a ſhort Maſteſtick way of reſcinding all Treaties.

It were both needleſs and tedious to examine how well they have obſerved their Treaties with *Holland*, ſince they cannot ſo much as aſſign the leaſt cauſe of the War they make now; and in their Declaration tell us only of a *mauvais ſatisfaction*, of their being ill pleaſed, which would tend to the diminution of the Glory of a moſt Chriſtian King, unleſs to pleaſe himſelf better he put *Europe* in a flame, and endeavour to bring all under his Subjection.

But it may be thought all other Princes and States have had much cauſe to complain of the *French*: Not to ſay worſe, His Maſteſty hath been hitherto either more fortunate or more beholden to their Generoſity and Kindneſs. This muſt be now enquired into. I will not inſiſt much upon the expreſſions of their kindneſs to His Maſteſty's Perſon whiſt he was abroad, ſince they may pretext the Intereſt of their Kingdom, and palliate their duriſh and inhuman dealing, by a neceſſity of preſerving themſelves. But I hope no ſuch neceſſity compelled them to oppoſe His Maſteſty's happy Reſtauration with ſo much violence as they did, and to cabal with his greateſt Enemies to keep him out of his Kingdoms; which His Maſteſty was ſo ſenſible of, that upon his coming into *England* he commanded away the *French* Ambaſſador *Bordeaux*, and would not ſuffer him to come into his preſence.

Since that time, they have often endeavoured to ingratiate themſelves, and have made great Proteſtations. But after ſeveral Propoſitions of Leagues, and many Arts uſed to raiſe Jealouſies between Us and the *Hollanders* (dreading nothing more than a durable and firm Friendſhip between two Nations, who, if united, might eaſily ſet what bounds they pleaſed to their Ambition) they at laſt ſided with the *Dutch*, though with no other intention than to ſee us deſtroy each other; or, at leaſt, ſo far weaken and exhaust our ſelves, that they might with leſs oppoſition invade their Neighbours, and increaſe their Naval ſtrength; nay their Policy went further, and in the very heat of the War they ſtill kept Negotiations on foot, and made Overtures and Propoſals of Peace by means of the late Queen-Mother, whom in the end they deceived ſo far, as to aſſure her (and by her His Maſteſty) that the *Dutch* would ſet no Fleet out (that Summer the Peace was concluded) whiſt underhand they preſſed the ſaid *Dutch* with all the Vigour and Earneſtneſs imaginable to fit out their Ships, with a promiſe of joyning theirs to them.

Upon this Paroll of the *French* Court, 'tis too well known we had no Fleet out, as well as what followed upon it, when the *Dutch* meeting with no oppoſition, entred into the River of *Chatham*; ſo that though the *French* had no other hand in't, they had been ſtill the

the true cause of that unhappy Accident: But withal, it is more than probable, they were themselves the Authors of that Counsel; and most certain it is, they knew of the Design before the Attempt was made; as might be proved by several Instances, if necessary.

After this, the Peace being concluded at *Breda*, the *French* were, by the Treaty, to return us *St. Christophers*, in the manner and form therein expressed. But instead of performing it according to the true meaning (and the very Letter of the Article) they have still from time to time, upon several unjust and frivolous pretences, put off His Majesty's Commissioners that went to receive it; till seeing a necessity of complying with us in so small a matter, whilst we were preparing to run so great a danger for their sake, they delivered it at last to Sir *Charles Wheeler*, somewhat above a year since. But before the delivery of it, they destroyed all the Plantations, plundered and carried away all that was portable, laid the whole Country waste, and left it in a much worse condition than if it had never been planted. And, as if the detaining of His Majesty's Territories had not been sufficient, they interrupted the Trade of his Subjects in those parts, and assuming to themselves the Sovereignty of those Seas, they would not suffer any Ships but their own to sail by or about their Islands. And in truth, upon no other ground, have brought in as Prizes, and confiscated several Vessels. Not to speak now of the great discouragement our *French* Trade hath many years since lain under, through their unjust Practices and manifold Devices; which have been such, that we do not of late send into *France* the fourth or fifth part of what Goods and Commodities were formerly sent over.

This late Carriage of theirs in *America*, brings us to their present Alliance with His Majesty. And, as the greatest care of those that have advised the King to this League, have been to keep from the view, and from the knowledge of the World, what Articles are agreed upon, it is not to be expected we should instance in the particular Breaches of what we are all strangers to. For example, We cannot tell whether it was agreed the *French* Squadron should fight, and so dare not assure they have broken their Treaty by not fighting. But I suppose there are very few, but have heard of the Wager laid by the *Spanish* Ambassador in the beginning of the War; and how far the *French* Conduct agreed with his Predictions. I would not neither impeach any Man upon general Reports and Rumours; but however it is observable, that the greatest number of the *Dutch* Commanders are of opinion, and have often publicly declared, That the *French* Ships were thus kindly used by theirs, out of a particular respect *De Witt's* Brother had to them.

If from the Sea we come ashore, we'll find (as far at least as they came to our knowledge) most of their Promises deceitful; all the Art imaginable used to ensnare His Majesty.

And lastly, a perfect and reiterated Breach of the Essence of their Treaty, whatever the words may be. All those who have been ever so little conversant at Court, may remember, that one of the great Arguments used and suggested by the *French*, to make the Conquest of *Holland* appear both safe and easie, was, that his most Christian Majesty had assurances from all the great Princes in *Europe*, they would no ways concern themselves in the Quarrel. *Spain* would be glad to see their old Rebels chastised: The Emperour had his hands full, and durst not stir, if he would, for fear of the *Turks*: *Brandenburg* should demand his Towns: and the Northern Crowns would either sit still, or endeavour to have a share in the Spoil. And then this was so readily embraced, that even after the Exchange and the Ratifications of the Treaty betwixt *Spain* and the *United Provinces*, they would not own there was so much as any Agreement. And for a good while we flattered our selves that the Leagues with the Catholick King, and other Princes, were surmises of the *Dutch*, to raise their Reputation, and quiet the minds of their People. But when this was past denying, they came off with slighting Discourses of the Forces of the *Dutch* Allies; and *Monsieur de Turenne* would cut them all to pieces, if ever their temerity did bring them within his reach.

At this rate the Alliance with *France* was discoursed of before the War broke out; standers by could not but think (and I believe, if truth were enquired into, it will be found His Majesty intended no more at first, and was engaged no farther) the *French* should be the Principal in this War; and *England* joyn their Forces with them as Auxiliaries, to have, in case of need, a safe and honourable Retreat in their Power. But as soon as the *French* thought His Majesty could not well go back, nor take new Counsels, they openly declared it was none of their Quarrel, and that they only engaged in it to assist His Majesty, out of respect to his Person. By which means His Majesty was persuaded and induced to declare War first, and to expect afterwards the Assistance of the *French*.

I suppose His Majesty will not thank them neither for giving out in all *Roman* Catholick Princes Courts, That this is a War of Religion, undertaken merely for the proagation

of the *Catholic Faith*, and as the *French Minister* at *Vienna* expressed it in a solemn Speech to the Emperor's Council, which hath been since printed in *French*, That the *Hollanders* being Hereticks, who had forsaken their God, all good Christians are bound to join and unite to extirpate them, and to implore God's Blessing upon so good a Work. Nay, to confirm this the more, they have lately declared and assured many Princes, that to let *Europe* see how far they are from any such design as has been laid to their Charge; and to satisfy all the World they entered into this War out of a Religious Zeal, and for the Glory of God, they are ready to part with all their Conquests, and return to the *Hollanders* all the Towns they have taken from them, if they will but re-establish the true Worship they have banished from their Territories.

How far now this may be agreeable to His Majesty's Interest, or to the XXXIX. Articles, let any unprejudic'd Man judge.

But an undeniable proof of the uprightness of the *French Court*, is their carriage in the Negotiations of Peace with the States. In short, the matter of Fact is thus:

The passage of the *French Army* over that branch of the *Rhine* called the *Wael*, having caused a general consternation all over the Country, and the confusion they were in being such, that they could hardly resolve whether to yield or defend themselves, the States on the 11th of *June* named several Deputies to be sent; some to his Majesty, and the rest to the *French King*, to know of them both upon what terms they would be willing to agree and come to a Peace.

Those that came to his Majesty, were met upon the way as far as *Gravesend*, to forbid them the Court, and were conveyed to *Hampton-Court*, there to continue in an honourable Confinement, till we could hear from the most Christian King, and know of him whether the said Deputies might be admitted; his Majesty being unwilling to give the least offence to the *French*, and not thinking it either lawful or convenient (without their participation) so much as to hear what the Dutch Deputies Errand was.

But the other Deputies came no sooner to the *French Court*, but two Secretaries of State were sent to them, and without further delay desired to know first if they had full Power to Treat; and in the next place what the States could propose in order to a speedy Peace. The Deputies answered, They were only sent to know his most Christian Majesty's pleasure, and that their Masters had thought it a greater respect to him to receive his Proposals, than to offer any Conditions themselves. With this Answer the *French Ministers* went to their Master, and came back immediately to the Deputies, to let them know, it was expected the States should make the Proposals, and that the most Christian King could not enter upon any Treaty, unless they had full Power; telling them withal (to quicken them, and to hasten the conclusion of the Work) that they were to consider, that whatever his most Christian Majesty had conquered, was already his own; and therefore he could no ways part with it, unless they gave him an Equivalent, as well for what he might conquer farther before the conclusion of the Treaty, as for what he possessed at that time: whereupon Monsieur *de Groot* (one of the Deputies) being gone to the *Hague*, he was sent back with all speed, and authorised in a very ample manner, together with his Collegues, to treat and conclude a Peace with the *French*.

Upon the return of the said *de Groot*, with the Powers, after some Conferences (part of them with *de Groot* alone) Monsieur *de Louvois* (one of the Secretaries of State) gave the Dutch Deputies a Project of a Treaty, or rather the Pretensions of the King his Master; upon the granting of which, he was both willing and ready to return to his former Amity with the States, and conclude and firm Peace with them.

Whereupon two things are to be observed; the one, That the Conditions were such, that (if granted) would have made the *French King* as perfectly Master of the Country, as if he had conquered all by the Sword; and the other, That in all the Articles (which are still in being, and may be produced if need be) there was not the least word relating to *England*; and no more notice taken of his Majesty, or greater care of his Interest, than if he had not been concern'd in the War, or in no League with the *French*. So that if by a wonderful Providence of God the said Treaty had not been unexpectedly broken off, *Europe* had in one day lost its Liberty; and all we could have expected afterwards, had been the favour *Polyphemus* shewed to his Guests.

And to demonstrate further, that the intention of the *French Court* was not that his Majesty should be a Gainer by the War, Monsieur *de Groot* (whose Word, if he be not very much wronged, ought to go a great way when he speaks of the *French*) declared at his second coming to the *Hague*, with the above-mentioned Articles, that the *French Ministers* had answered him, The States his Masters might deal as they pleased with *England*, and come off as cheap as they would, because (as they pretended) they were not bound or engaged by their Treaty to procure them any Advantages. A happy thing in the mean while, to be engaged in such a War, with so generous an *Allie*.

While this Negotiation was on foot, and before the Treaty could be concluded, the Prince of *Orange* was miraculously restored to the Dignity and Authority of his Ancestors, which having altogether eclipsed the Party that was inclined to treat with *France* upon almost any Terms; and the rest of the Country being all under Water, the *French* lost at once both their Hopes of carrying the whole matter by a Treaty, and the Opportunity of making a further Progress by their Arms.

At the same time, my Lord Duke of *Buckingham*, and my Lord *Arlington*, went into *Holland*. And the *French*, who knew already they could neither bring the *Dutch* to a compliance, nor swim over to the remaining Towns; and withall, being full of apprehensions and fear, that by the Authority of the Prince of *Orange*, and through the Interest he was like to have in His Majesty (chiefly if their practices and honest dealings came to be discovered) a separate Peace might be made between *England* and the *United Provinces*, they acted their part so successfully with our Plenipotentiaries, that they persuaded them to enter (in His Majesties Name) into a new Engagement, not to treat or conclude with the *Dutch* any Peace or Truce without them: For as to their promising the like, it was a perfect mockery on their part, since they had already done their utmost to treat without *England*; and that after they had miscarry'd in the Attempt, nothing could secure them but His Majesties refusing to accept of what Conditions the *Dutch* would be willing to grant him.

After this new Contract made, our Plenipotentiaries, together with the *French* Ministers, sent their joyned Demands and Proposals to the *Dutch*, to be granted in ten days, or else no Peace to be made, which was the next Master-piece of the *French*; for it is to be observed, first, That the *French* Demands were in substance the same as they had made at first in their Negotiation with *Monsieur de Groot*; and since they were so unjust and so enormous, that the best Friends they had then amongst the States, could hardly swallow them themselves, (much less to bring the generality to give their Consent) without some Modification, it was not to be expected that the Government being since the late Change much more averse to the *French* than before, the same Proposals again should be better entertained, which was rendered the more improbable by the addition of the *English* Demands.

Secondly, The *French*, by the excessive height of their demands, seemed to have encouraged (if not persuaded by some more effectual means) the said Plenipotentiaries not to come much short of them, which was attended with two fatal Consequences; the one, That the War was certainly, by it, intailed upon His Majesty; and the other, that it was a means to alienate the minds and affections of the *Dutch*, who were then inclined to give those Advantages to *England*, which cannot rationally be expected hereafter.

Thirdly, Though the respective Claims of the two Kings had been singly tolerable, yet the joyning of them together made it impossible for the *Dutch* to grant either. From whence the *French* (and very rationally) conceived hopes, that the *Dutch* finding themselves over-balanced by the joyned Power of their Enemies, and seeing no way to come out of so destructive a War, and to have Peace (and not a firm nor a durable one neither) without dividing their Country into an hundred pieces, and cutting off all their Sinews, had rather cast themselves into the Arms of their Conquerour, and laying aside all thoughts of Sovereignty, live in an entire Body under the *French* Domination. At least, it were some comfort, if the *French* Court had but kept to this last Agreement, which in so many respects was advantageous to them. But that they have not done neither: And as soon as they saw most Princes in *Europe* begin to be in earnest, and that great Succours were preparing for the Assistance of the *Dutch*, besides what Forces were already in the Field, they underhand made new Overtures of Peace, and have still to this day been sending private Messages to the *Dutch*, wherein they take no greater care of *England* than they had done at *Utrecht*. And if the *Dutch* had not persisted in their refusal to Treat without their Allies, the *French* had long since concluded without theirs, and that upon very moderate Terms, as to the *Dutch*.

I suppose this will seem very strange, and will hardly be credited; but since as long as I am under this disguise, I cannot justify it as fully as otherwise I might do it, all I can say at present is, There are those in the Kingdom that know the Truth of it as well as my self, and I hope the World will not be long without a full Discovery of it. And thus I end the first Part of this Discourse, which hath swelled unawares into a greater bulk than I intended at first, though the Matter would bear a great deal more without being exhausted.

Let us now come to the *Second Head*, and examine what the issue of this War may prove, and what may rationally be expected it will come to.

Were it either possible in Nature, or so much as to be imagined, that *Holland* might be turned into a new Lake, their Towns burnt and depopulated, and their Inhabitants either destroyed or transported into remote Colonies, or part of them brought into this Kingdom, to increase the number of our People; I fear no Arguments drawn from either Natural Justice or Christian Charity, could be forceable enough to put a stop to such a Design: And in that case it would be hard for the ingenious and worthy Author of *The Interest of England stated* (as unanswerable as his Arguments are) to persuade men either bysall'd, or not very well acquainted with the state of Foreign Affairs, That it must be the chief Interest of *England* to support the present Government of *Holland*.

But such a Destruction being not to be thought on, or expected by any man that is in his Wits; and since the situation of the Country, and its commodiousness for Trading in many respects, together with the natural and laborious Industry of the Inhabitants, will still continue under any Change; to satisfy our selves how far we may be gainers by this War, we must consider in order the general Events that may be looked upon as in any degree of possibility.

In order to that, I conceive all men will grant one of these Four things must be supposed:

First, The absolute Conquest of the *United Provinces* by the *French*: Or,

Secondly, Our Conquering of them.

Thirdly, A division and sharing of the Country between Us and the *French*.

Fourthly and lastly, The *Dutch* recovering their Losses, and with the help of their Allies, their withstanding both *England* and *France*. Of each of them in Order.

The absolute Conquest of the *United Provinces* by the *French*, and their being brought under their subjection, is a thing of that dreadful Consequence, that the very thoughts of it must needs raise the Blood of all true *English-men*. And there is hardly any Remedy too violent for so desperate a Cure, or means that could be called unjust, if necessary to prevent so great an Evil. And therefore, instead of losing time to prove what is so manifest and so obvious to the meanest Capacities, I only beg of all my dear Countrymen to lay the present state of things to heart, and humbly move both Houses to consider whether we be not already too near that Evil Day, and how far it is consistent with that Interest with which they are entrusted, to hasten it by unseasonable and pernicious compliance.

Secondly, As to our Mastering the *Low Countries*, it can be but one of these two ways:

First, Our subduing of them by a Landing; and withal, beating the *French* out of what they possess already: Or,

Secondly, Their voluntary yielding to us, and submitting themselves to His Majesty.

The first can hardly be so much supposed or imagined by any rational Man: For, 1. If in the midst of their late Distractions, and the unspeakable Confusion which was in every part of the Country, no opportunity of Landing could be found, though often attempted: How can it be expected it should be practicable by the next Summer, now they are all united and strengthened by the Assistance of their Allies? 2. How can it be thought possible to Land an Army considerable enough to take all their Towns, and conquer the whole Country, nay, to conquer the Conquerors themselves, and beat the *French* out? 3. Granting that the approach of our Fleet would occasion a great Disorder and Consternation in the Country: and that the *Dutch* should not prove able to oppose our Landing, and at the same time to keep the *French* out, and defend themselves to the Landwards: what would the consequence of this be, but only to enable the *French* to Master the whole Country, whilst the *Dutch* should divide and draw off their Forces to oppose us? It being much easier for the *French*, who are already in the Country, to March with all their Forces to *Amsterdam*, and to the rest of their Towns, before we can Land, than for us to prevent them by our Landing. 4. Lastly, If the *French* Ships are to have a share in the Expedition, what security have we their Men will promote our Ends, and not their own Masters; and that they shall not rather turn Tail against us, if occasion be?

And

And as to the voluntary yielding of the *Dutch*, and their giving themselves up to us, I may say it is as irrational and as fond a Conceit as the other; and which therefore doth hardly need being confuted. But because some of our great men have (even in Print) made use of this as of an Argument, both to justify the War in point of Prudence, and to persuade the Nation to joyn and concur with the *Cabal* in their dark Counsels: It will be necessary, and we owe that respect to their Quality, as to lay the matter open, and unfold it with a little more care.

Were the *United Provinces* still intire and untouched, and they in an Election to joyn with and submit themselves (upon Terms) either to *France* or *England*, it would be no hard matter to demonstrate and make it to appear, that the ballance of true Policy and Reason should weigh down by much on the *French* side; and that the best part of their Trade would soon, if incorporated with us, run out of their Channels into ours; which all understanding men amongst them are so sensible of, that in Case this were in agitation, the Interest of Religion (which besides they could secure some other way) should hardly carry it against profit and self-preservation. But not to multiply Debates, and granting now, that in such a Case the *Dutch* would prefer our Domination before that of the *French*; let us not examine what might have been, if our Suppositions were true, but what is like to be *de Facto*, and may rationally be expected, as the Cause stands.

First, It must be observed, that tho' their *Maritime Provinces* be far the most considerable, and those which have made that Commonwealth so powerful and so famous all over the World, yet their *In-land Provinces* are of no less importance to the preservation of the whole, and are the Bulwarks and Out-works of the other, without which the main Body would be soon streightned, and brought in a little time to the greatest Extremities.

For this Reason the *Spaniards* never offered Peace to the *Dutch*, nor could they have accepted of it if offered, till being Masters of *Seven Provinces*, and having withal conquered several Towns in *Brabant* and *Flanders*, to be a Fence to their out *Provinces*, their Territories proved of a Competent Extent to lodge and maintain upon their Frontiers the greatest Armies; and by removing the Seat of the War from their *Trading Provinces*, be so much the more able to continue it, rather with advantage to them, than with the least inconvenience or trouble.

2. The Second thing we must take notice of, is, that the greatest advantage of the Situation of the *United Provinces* lieth, in that several of the greatest Rivers in *Europe*, not only run through their Country; but disembogue into the Ocean within their Precincts. This openeth them an easie and an advantageous Trade into most parts of *Germany*, the *Spanish Low-Countries*, and some *Provinces* of *France*, and makes a Reciprocation of Commerce, and as it were an Ebb and Flow, between their Rivers and the Ocean, being enabled by the first to carry at a cheap rate to the furthest parts of the World what Goods and Commodities the abovementioned Countries afford, and to return them by means of the same, the Richest Spoils of the *East* and *West*.

These natural Advantages accruing to the Inhabitants of these respective *Provinces*, by their being all *United* under the same Government, do link and tie them so fast together, that nothing but an external and irresistible Force can divide them; and whoever comes to be Master of the Rivers, must needs in a short time either be beaten out of his Conquests, or else bring all the Havens and all the Inhabitants bordering upon the Sea, under the same Subjection; the Sea-ports without the Rivers, and the Rivers without the Ports, being altogether useles, and a Foundation for an Endless and Destructive War.

This being premised, the Conclusion will easily be drawn; and since the *French* do already possess half of their Country, and are Masters of their chief Rivers, if the *Dutch* come either to lose the Ambition of Ruling, and being a Sovereign State, or else are brought to the necessity of chusing a Master, it is plain they'l rather submit themselves to the *French* King, who hath half conquered them already, and hath in his own hands that part of the Country without which they cannot subsist, than by giving up the remaining part to *England*, to entail a War upon them, which besides their subjection to a Foreigner, as well as if they were under the *French*, will exhaust what Treasure they may have left, and from a Flourishing Estate bring them to perfect Beggary.

To sum up all: It cannot be supposed the *Dutch* will ever chuse a Master, and submit themselves to the Government of a Foreign Prince, unless they are driven to it by an unavoidable necessity. This necessity cannot proceed but from the sense they may have of their own Weakness, and of a desire to live in peace, and free themselves of a War which is so destructive to them. Now if they do submit themselves to *England*, in opposition to the *French*, the Peace they seek will be further off them than ever; and their remaining Country will be the Seat of an endless War; whereas, if they give themselves

up to the *French*, they will be United again in an entire body, enjoy rest and peace, and live under the Protection of a Prince, who of all Princes in *Europe* is best able to defend them against all their Enemies, and whose Interest will be to give all possible Encouragement to their Trade, and to make their Country the Nursery of his Seamen, and in all other respects the support of his Naval Strength. Not to mention, that if they must be Slaves first, they might rationally hope to have the satisfaction afterwards, of lending an helping hand to bring their Neighbours, and in truth, all *Europe* into the same condition with them.

Thirdly, We come now to the dividing and sharing of the Country with the *French*, which by what hath already been said, will appear either impracticable, or rather hurtful than advantageous; for this sharing must be either by a Conquest on both sides, as the *Dutchies of Glevé and Juliers* were formerly, when Prince *Maurice*, and the Marquess of *Spinola* entered at the same time into those Countries with Two great Armies, and took each what they could, the one on the behalf of the Elector of *Brandenburg*, and the other of the Duke of *Neuburg*; or else that the *French* having conquered and possessed all, should give us part of their acquisition.

The first cannot be supposed, as long as we have no Army in the Country; and in truth, can bring none able to match that of the *French*, and to conquer as fast as they, tho' they had not a Foot of Ground in the *United Provinces*: But as the Case doth now stand, it is plain they would be Masters of all before our long Boats could come on Shore.

And as to their giving us a share, after an Absolute Conquest, there are Three Things to be considered: 1. It is worth the Inquiry, how far they are engaged by their Treaty, and what share we are to have: for all appearances are very deceitful, if the *French* have promised to give any thing more than a fair leave to take what we can. 2. It is apparent by what hath been said before, at what rate their Promises, and other such Engagements are to be valued. 3. The Nature and Constitution of the Country being such, that it cannot stand divided, without not only very great inconvenience to both Parties, but the destruction of one of them. The *French King*, whatever he had promised, cannot be willing to give us such a share as would bring his own under the *English* subjection. And if His Majesty should have but an inconsiderable part of the Conquest, he could neither reap any benefit by it, nor protect it against the *French* Power, without exhausting both his Treasure and his Men. Nay, it may be said further, and all that know the Country will grant, that unless *Amsterdam*, with the *Zuyder Sea*, were split, and all the Shipping divided, to have each one half of the whole, no true division can be made: And whoever is Master of that Town, will soon or late subdue all the rest.

It is true, if we had some Sea-Towns, and the *French* had nothing to do with the rest, it might be for a while a Curb to *Holland*, and procure us some advantages in Trade. But if the *French* possess all the Country, what proportion can there be between their Acquisition and ours? And after the Accession of so great a Power to their Empire, can any Rational Man imagine some few places they should give us, would be a Balance to their Forces, or a secure Fence against their Ambitious and Aspiring Thoughts?

To clear this further, and to demonstrate how dangerous it is for *England* to destroy the Balance of *Europe*, in hopes of having a share in the Spoil, and of encreasing our Dominions; it is to be considered, that in the perusal of our *English* Histories, we find all our Foreign Conquests either unfortunate in the End, or an unprofitable charge to the Kingdom; whilst to maintain them, the Seas must be perpetually crossed, for supplying them with Men, Money, and Necessaries. Nay, after the Conquest of the best part of the Kingdom of *France*, we could not defend it long against the remaining part, and even lost what belonged to His Majesties Royal Ancestors by right of Inheritance, after a quiet and uninterrupted Possession for some Hundreds of Years. Since that time, what new Acquisitions hath been made, hath likewise been returned either for considerable Sums of Money, or upon some other Considerations relating to the State of *Europe* in those days.

And lest it might be objected, That those former Conquests were either less prudently undertaken, or harder to be kept than these we seem to go upon now; It is observable, first, that our Forefathers either undertook alone the said Conquests, or else if they joyn'd with any other Prince (as when they were assisted by the House of *Burgundy*); they still had kept to themselves the greatest and most considerable share. Secondly, That it was ever the Interest of some of the Neighbouring Princes, *England* should preserve some part (at least) of the said Acquisitions, and have still a footing on the main, for the common safety, and for the speedier and easier relief of our Allies. And yet tho' these Two Conditions met together, either the essential difficulty of the thing it self, or our natural unaptness to preserve what we have once gotten, hath made all our *European* Conquests unsuccessful, and in truth prejudicial to us.

But the Case being thus, What Judgment can we make, and what can we rationally expect to promise our selves of our intended joint-conquest with the *French*, where those conditions before-mentioned are altogether wanting? And where first, far from Conquering our selves, we only countenance and promote (by our streightning the *Dutch* by Sea) the Invasion of a Country, which even whilst it was nothing near so considerable as it is now, all *Europe* hath looked upon, not only as a fair step, but as the best part of the way to the Universal Monarchy; and which did once occasion so great a Confederacy against the House of *Austria*; to wrest their Provinces out of their hands? 2. It is as plain, it is not the *French* King's Interest to give His Majesty a considerable part of the Conquests, nor to let us enjoy long what he might peradventure give us at first, for some other ends of his own. And to secure this unknown share to us, I do not see we have now any *Talbots* or *Earls of Bedford*, at the Head of our Victorious Armies, to set up His Majesty's Standard in the Conquered Towns, and leave *English* Garrisons in them. But instead of that, whilst the *French* march on, and do enlarge their Empire, we please our selves with calling the *French* Forces Our Forces, and endeavour, if not to persuade our selves, at least to persuade others, all this is done for the Honour and Glory of the *English* Nation, for the advancement of Trade, for the safety of His Majesty's Person, the support of His Royal Authority, and the happiness of His Kingdoms. It is true, we do not well know as yet, what we are to have, but somewhat we'll have however, say our great Men. And we will not believe the *French* King shall let us go without a reward; for the pains we take in raising him, as much as in us lieth, to the Throne of the Universal Monarchy. Nay, supposing the worst (saith a Great and Noble Champion for the *French*, in a Printed Letter to Sir *Thomas Osborn*) that we should be so ill advised, as to let the *French* take all and leave us nothing; yet even in that case, the *French* King would rather make their strength at Sea inconsiderable, by their being subject to him, than his own more formidable, by his being their Master.

I confess this is a new demonstration in Politicks, which few Men would have dreamed of: and if that be all our safety, I hope no true *English* Man will be swayed by the Authority or Quality of those who go about thus to argue the Kingdom out of it's liberty, and turn *England* into a *French* Province.

Fourthly, The extreme danger and fatal consequences of some of the former suppositions, and impracticableness of the other, being thus (and I hope clearly) demonstrated, we need not lose much time to press that increase (which is the only possible event that remaineth) the *Dutch* shall recover their losses, and with the help of their Allies, be able to deal both with *England* and *France*. It cannot be His Majesty's interest to continue a War which will miserably impoverish his Kingdoms; and by the continual losses the *Merchants* do, and are like to sustain, bring the Trade of the Nation into such a decaying condition, as will not be repaired in many years of Peace, especially if *Spain* be further provoked to proceed to an open Breach with us, as it is more than probable, they will ere long be forced to do.

But because I see many are apt to look upon this War through a kind of Cloud, and seem to be unwilling to have a distinct Notion of the ill consequences with which it is attended, but reflect only in general and confusedly upon a supposed destruction of the *Dutch*, and some imaginary advantages accruing to us by it, which yet they cannot instance in, much less demonstrate upon any rational grounds: I think it necessary to add to what we have said already, some few Considerations relating both to *Spain* and the Empire.

As to *Spain*, it is first well known what that Crown is to expect from *France*, as soon as these may have any opportunity of destroying them. And I suppose no body doubts but that the *Spanish* Court will by all possible means oppose the increase, and stop the progress of the greatest and formidablest Enemies they have.

2. It is as plain, that in case the *French* come to be Master of the *United Provinces*, the *Spanish Netherlands* will of course and unavoidably fall into their hands, notwithstanding the famous Triple League, which, by the way, will be Triple no longer, when the *Dutch* Common-wealth is gone.

3. Although the Crown of *Spain* had no Dominions in the *Low-Countries*, it would be as much their Interest to preserve the *United Provinces* entire. And in true Policy, they ought to venture all their Kingdoms, and to the very last of their Men, to prevent, if it be possible, so formidable an occasion of Naval-power to the *French*; after which, no *Plate-Fleet* or *Gallies* could ever come safe; nor consequently their Monarchy stand much longer.

4. The Emperor being already engaged, and Hostilities begun between him and the *French*, *Spain* can no longer stand out, and they are bound to run the same Fortune as well by late and private Treaties, as by the joint interest of their Family.

5. And lastly, *Spain* having already, by their assistance given to the *Dutch*, whereby all the considerable Towns in *Brabant* were preserved, and by the late attempt upon *Charleroy*, so highly incensed the *French* against them, that they can venture nothing more by an open Breach, it is much safer for them to declare whilst the hands of the *French* are full, than to be exposed to their fury after their Conquest ended. From all this it plainly followeth, that a breach between *Spain* and *France* is not to be avoided. But the same Arguments prove likewise, that, in case we do persist in our Alliance with the *French*, they must break with us as well as with them: and since they are so far concerned in the preservation of the *Dutch*, they cannot think themselves safe if the others are destroyed.

It is their Interest, by making this War as destructive to us as they can, to persuade us more effectually, than they could do hitherto, into a friendship with their Allies; for to say they dare not proceed to a Breach; they are afraid of us, and we know not how to order them in the *West-Indies*; this were good if their *All* did not lie at stake, and if by their Breach with us they could endanger more than the same *All*: whereas, on the contrary, by venturing *All*, they may, and will in all likelihood, save themselves and all *Europe*.

This being granted (as it must needs be, if truth do in the least prevail with us,) I need not use many words to make all *England* sensible of the sad consequence of a *Spanish* War; I'll hint only those that are undeniable: As, first, the seizure of all our *Merchants* Estates, amounting in the whole to a vast sum. 2. The loss of our Trade with them; which, of all others, is the most beneficial to the Kingdom; and without which our Woollen Goods must lie upon our hands, and half of our Weavers, Spinners, &c. go a begging. 3. the Interruption of our *Levant* and *Plantations* Trade, which cannot in case of Breach be secured by ordinary Convoys. And (not to mention the *Spanish* men of War, which, both as to number and strength are sufficient to cruise in the *Streights*) with what either encouragement or safety, can our Traders venture abroad, if besides the *Dutch* *Capers*, the Seas come to be infested with *Offenders*, *Biscains*, *Majorcans*, and *Minorcans*? who are none of them inferiors to the *Flushingers*, and are as well skilled as they are in the art of *Piracy*; nay, Did not these very Men, without any help, take above Fifteen hundred Ships from us, in the late *Spanish* War; when *Spain* was at the lowest, and fought alone against us and *France*? 4. By the loss, or at least the interruption of our Trade, His Majesty's Customs, which is the considerablest Branch of His Revenue, will come to little or nothing; so that to support the War, new Taxes must be raised in lieu of it: and proportionably so much greater Subsidies granted to His Majesty.

If from *Spain* we come to the *Empire*, we find the Emperor himself, and the Elector of *Brandenburgh*, already engaged in the quarrel, and many other Princes upon declaring; so that it is now high time both for the Parliament and all true *English* Men, to look farther than we have done yet, and to examine, with more care, the consequence of this War. For the fire, which both we and *France* have kindled, is like to consume all *Europe*, if we do not make haste to quench it, and by a timely retreat give way to safe Counsels. And for a close to this, second part of our discourse, I desire the following Considerations may be seriously declared and weighed:

1. What horrid spilling of Christian Blood we'll be the occasion of, if by our wilful promoting of the ambitious designs of the *French* (even so palpable against our Interest) we force all the rest of *Europe* to take up Arms in their own defence, and to unite all for their common Safety, and for the preservation of that Liberty, which (as though we were led by Witchcraft) we merrily go about to destroy.

2. How prejudicial this War will be to us, in case the Confederate Princes do overbalance the Power of *France*; and by raising the Reputation and the Credit of the *Dutch* (which last is the only thing they want) enable them not only to pay their Land Armies, but likewise to set out as great and considerable Fleets as ever. And I do not see that either of them ought to be looked upon as very improbable; since, first, it is very certain, and all those that knew the Country will grant, That if the *Hollanders* had but some prosperous success (either by their own Armies, or by the help of their Allies) they'll be able to take up without trouble, in a very short time, as much Money as they may have occasion for. And in the second place, it seemeth pretty rational to judge that the House of *Austria*, with the conjunction of many Potent Princes, will struggle a while for their lives, and may be hard enough for the *French*.

3. But how much greater will the danger be, if neither *Germany* nor *Spain* are able to stop the Progress of the *French*? And in case they must all yield, and submit themselves to the Victorious Arms of the most Christian King? what will become of poor *England*? Must His Majesty (I speak with due respect to his Royal and Sacred Person) be Tenant at will? or else do we presume so far on our own strength, as to imagine we may do what the rest of *Europe* cannot? And, that though the *French* had conquered all, we should

should not fear them the more, and could still defend our selves against them? Let those that have *advised* His Majesty to this War, speak; they must now pull their Vizard off, they must appear in their true shape, and tell us plainly whether they are paid for making the *French* King the *Universal Monarch*; and whether to bring down new Golden Showrs into their Laps, *England* must at least be made Tributary to the *French*? Some few Hackney-Writers will not serve the turn now, and twenty silly Stories against *Holland*, cannot make it advisable for us to joyn with the *French* King against the greatest part of *Europe*. When this War was entred upon, no Enemies were thought on, at least spoken of besides the *Dutch*. This was the only Game we followed at first, and we expected no other Prey to divide between Us and the *French*. But now, supposing that we had taken never so much care for the equal sharing of the *United Provinces*, concerning which we refer our selves to what hath been said before, will our Great Men assure us further, That the Lines are also fallen to us in the pleasant places of *Europe*? and that His Majesty is to share the *Universal Empire* with the most Christian King? I grant the *Dutch* have offended us, and that our War against them is not unjust: But is it just therefore to destroy so many Princes who cannot subsist without them, and who for their own Preservation are forced to venture All to preserve the *United Provinces*? In few words, the Scene is altered; and though our Charity leads us not to suspect the sincerity of the *French*, or fear the increase of their Power, most Princes of *Europe* are of another mind: And whatever comes of it, they are resolved to stand by, and protect the *Dutch*; as long as they are able to protect themselves; so that to conquer *Holland*, all their Allies must be destroyed first: And the *French* King must needs be Master of the best part of *Europe*, before we can have to our share either the *Briel* or *Flushing*.

I might add several other Considerations (and perhaps of no less weight than the former) to evidence the fatal Consequences of this War: But by reason they do relate to the Safety and Preservation of our Laws (as well Ecclesiastical as Civil) I forbear, lest it should be thought I go about (or interid in the least) to raise a Jealousie between His Majesty and his People, leaving it wholly to the Care and Wisdom of both Houses to provide against it, by those Means and Ways as to them shall seem meet and necessary, and as the Importance of the thing it self requireth.

III.

So far, I hope, we have made good what we have said in the beginning of this Discourse, That this was an Age of Wonders, and that of those Wonders the greatest was the present Alliance with *France*, and our prosecuting the War in so dangerous an Association. But since there are no Effects so rare and so wonderful, as well in the Civil Government as in the Course of Nature, but have proper Agents to produce them; it is very fit to enquire into the Causes of our mysterious Councils, the better to judge of their true Nature.

In order to that, it will not be amiss to look a little abroad, and consider whether the Policy of some other Princes who are engaged in the same Alliance with the *French*, may not be a leading Case for us, and help our Discovery at home.

Those Princes are, the *Bishop of Munster*, and the *Electer of Cologne*: And as to the first, All the World knows, and we have had a sufficient Experience our selves, how far Money will go with him. Nay, he is so far honest in this, that he doth think it no shame to own and profess it openly: He is but a Tenant for Life, and whatever fills his Coffers, that he takes to be his true Interest. The *Universal Monarchy* doth not intrench upon the Sovereignty of either his Brother or Nephews, and a considerable and rich Legacy is the only Principality he can leave them: Whilst his present Subjects are destroyed, he hoards up Treasures for his Family; and let the worst come, some rich Abbeys in *France* will bring him more Revenues than his *Bishoprick*, as lately a Northern King did for the like exchange his Crown; so that the Case is clear with him. And if the *States* would out-bid the *French*, his Highness would soon forget his old Quarrels, and prove the best of their Friends.

The next is the *Electer of Cologne*, who (to do him right) is a Religious and a Worthy Prince: and one who in his own Nature is a great Lover of Peace: But how could he be perswaded then to make his Country the Seat of War? To give his Strong Holds to a Foreigner? and to expose his Subjects to all the Calamities which the in-quartering of an insolent Army doth bring along with it? To this the Answer is plain. The softness of his Nature, and the easiness of his Disposition, hath made him devolve upon his Chief Ministers the whole Government of his Dominions, and the absolute Direction of his Councils. His great Favourite (another Bishop) is of the same Religion and Principles with that of *Munster*; and the Debonairity of the Master is no Fence against the Corruption of the Servant. *Quid vultis mihi dare, & tradam vobis?* Nay,

if the Bishop of *Strasbourg* (the said Favourite) doth stick at any hard thing, and is at any time somewhat troubled in his mind for the undoing of so many thousands of Families, and for betraying his Trust so shamefully, he hath his Brother at his Elbow, the late Bishop of *Metz*, a sworn Champion for the *French* (and of whom they used to say in jest, *That he was a dear Friend to them*) ready to comfort him upon all occasions, and to spur him on with more fury. Thus if you ask, where the Interest of the Archbishop of *Cologne* lieth in this Alliance with *France*; and how comes it he will suffer his Country to be laid as waste as if the *Turks* had over-run it? Let it not be wonder'd at: The *French* Pensioners will have it so, and the two Brothers *Purstenburgs* are paid for it.

The Case being thus abroad, I wish our Island might boast of the same happiness as to corrupt Councillors, which *Ireland* enjoyeth in their being free from all venomous Creatures, and that no politricks Vipers might be able to breathe in our *English* Air, without soon breathing out our lives. But, alas! our Chronicles do furnish us with too many Instances of the contrary; and without looking any farther back for Presidents, His Majesty himself, and this very Parliament have (not many years since) sufficiently expressed how far they are of Opinion that Great Ministers may betray their Trust.

On the other side, because some have been guilty, they must not be all indifferently condemned; and we ought to have a great care not to pass a rash Verdict upon persons whom His Majesty hath irradiated with so many illustrious Beams of his Princely Favour. The safest way then not to wrong neither the Cabal nor the Truth, is to take a short survey of the Carriage of the chief Promoters of this War, leaving the Judgment of either their Innocency or their Guilt to the unprejudiced Reader.

1. I will not insist much upon some Whispers (come to loud talking of late) of the wonderful Effects the *French King's* Liberality had (almost four years since) in converting the strongest Opposers of his Interest; and though there be many odd passages in it, which are come to the knowledge of several considerable Members of both Houses, yet being not able myself to lay the whole matter open, and having it only at the second-hand, I leave the full Discovery of it to the Party concerned, who (I am informed) upon the least Encouragement, and provided he may do it with safety to his Person, will at any time be ready to trace out (in the view, and to the satisfaction of the whole World) the first steps towards our undoing, and to shew plainly when the Foundation of this Mystery of Iniquity was laid.

2. But howsoever, whether all that is reported of this be true or not, I suppose it is not usual to see so great a familiarity (as hath been observed long since) between Foreign Ambassadors, and first Ministers of State, continual Treatings, and frequent going to Country-houses, there to stay several days and weeks, is a new thing in the world: and an Ambassador's using so Noble a House with so much freedom, gave a just cause to all observing men to conclude he had paid dear for it. I am sure His Majesty himself was not very well pleased with it at first, though they have proved pretty successful in the Art they have used to reconcile him to their Intrigues.

3. We have seen in the first Part of this Discourse, how far, not only His Majesty, but his Great Men likewise thought necessary to keep a true balance between the respective Princes and States of *Europe*, and to stop the progress of the *French*; what steps were first made in order to it, and how the *Dutch* were courted into an Alliance with us, jointly to allay the Storms the Disturbers of Mankind had raised, and quench their devouring flames. Nay, we made it appear, the Triple League was not entered into, out of a personal kindness to the *Spaniards*, but only for Self-preservation, and to prevent the over-running of *Christendom*. Whereupon 'tis worth the while to enquire of the same Parties, and desire them to inform both Houses, and the rest of the Nation, which way the Balance of *Europe* came to be so much altered; and what hath made the *French* since the Treaty of *Aix*, more formidable than before? Hath the House of *Austria* had any new accession of Power? Or did the Invasion of *Lorraine* weaken the most Christian King? Could we value our selves four or five years since, by raising some few Banks against some few *French* Waves, and now be as proud again of letting in their whole Ocean? The Jeopardy *Europe* was supposed to be in, was (most certainly) infinitely increased, and the same *Hannibal* is now much nearer our Gates than ever he was, and yet we never thought our selves so secure; and whilst the Ship of *Europe* is near sinking, the Cabal (which is the measure of their Faith) do not apprehend the least danger. Happy men, who can so suddenly be transformed into new Creatures! Who would not wish to have a share in your enlightning Graces?

But to the matter of Fact: By the Treaty of *Aix la Chapelle*, all Princes in *Christendom* were invited into the Garanty, for the greater security and strengthening of the Agreement then made between *Spain* and *France*. Pursuant to this (as we have said before) His Majesty sent a Minister to the Protestant Princes in *Germany*, to invite them into the Garanty

Garanty of the said Treaty of *Aix*, or in other words, into the Triple League. And not long after, upon the same grounds, Proposals were made to several other Princes, to draw them into the same League; to which the Duke of *Lorraine* (with some other that had promised to come in) being very much inclined, and the thing being brought very near a conclusion, the most Christian King (who by that time was most manfully working under-ground to destroy the Triple-League, and who dreaded nothing more than a fast-er tying of that Gordian Knot) to prevent the Association, did very fairly invade *Lorraine*; and was near taking the Duke himself Prisoner.

In this Invasion there are three or four things that are observable. 1. Besides the Scandal of such an unjust Oppression, and the Indignation it ought to have raised in all Princes, to see a Sovereign Prince thus hunted out of his own Dominion; nothing could ever give a greater insight into the ambitious Designs of *France*, nor discover more fully their Intentions; none but an Universal Monarch can pretend to a Right of displacing Princes, and disposing both of their Lives and of their Territories, and therefore nothing could deserve a higher Resentment, nor a more vigorous Opposition from those that had appeared so lately the Asserters of the Liberty of *Europe*. 2. This Violence was an open breach of the *Pyrenean* Treaty, and consequently of the Treaty of *Aix la Chapelle*, which was a renewing and a farther confirming of the other. And so far the Triple League was concerned in it. 3. It was destructive to the very end and scope of the said Treaty of *Aix*, which was to put a stop to the progress of the *French*, and to the increase of their Power, the addition of that fair Dukedom, being as considerable, if not more, than their Conquest in the *Spanish Netherlands*; and withal, part of the *Spanish* Dominions, either blocked up and besieged by it (as *Luxemburg*) or cut off from the rest, and all Communication taken from them, as the County of *Burgundy*. 4. The great Zeal which the Duke of *Lorraine* had expressed to joyn with the other Princes engaged in the Triple League, was the true cause why he was thus persecuted, though some other unjust and frivolous Pretences were used.

Upon all these grounds, the Duke of *Lorraine* was in good hopes the Triple League would protect his Innocency, and not forsake *Europe* by forsaking him. And to quicken them, he sent some of his Servants to the respective Courts of the Parties engaged. Whereupon our Great Men advised His Majesty not to concern himself in the Quarrel, though his own Inclinations and love to Justice, led him not to refuse his Assistance to a Prince who had laid upon him many great and high Obligations, and especially in an occasion wherein the Liberty as well as the Honour of *Christendom* was so far concerned. But the Ministers, it seemeth, carried it against their Master, and the Duke of *Lorraine's* Envoy was sent back with a Compliment and many expressions of Kindness; but told withal, the *French* Invasion was a Torrent not to be stopped at that time. A Torrent not to be stopped at that time! And what was then the use of the Triple League? What will become of all the fine Speeches made in its Commendation? And was it harder to oblige the *French* King to return *Lorraine*, than to force him to restore the *French* Countee, as he was by the Treaty of *Aix*, in case we had been still true to our Interest, and had been sway'd by no other consideration? *Idem manens idem, semper facit idem.*

About the same time, whereas we had sent to several Princes to invite them into the Triple League, the Emperor, who might as justly have expected the same Compliment, did by a Letter to His Majesty invite himself, and in conformity to one of the Articles of the Treaty of *Aix*, desired to be admitted into the Garanty.

Upon the receiving of the Letter, His Majesty (upon whose Goodness some of our Great Men had not had time to work yet) assured the *Spanish* Ambassador (who had delivered the Letter) he was glad his Imperial Majesty was so ready to come into the League, and told him he would cause an Instrument to be prepared in order to the said Admission. But when the Resolution was taken, and Orders given for preparing the said Instrument, it was first moved, That Mr. Secretary *Trevor* (who was not initiated in their holy Mysteries) might not have the drawing of it, though it was his proper Province: And then having made themselves the sole Masters of the thing, a tolerable and reasonable honest Draught was first brought in; but before it was perfected, they acted their part so ingeniously (with the help of Monsieur *Colbert*) that in the end they possessed His Majesty with the Opinion, "That the admitting of the Emperor would be attended with very dangerous Consequences; and that in case he came into the League, His Majesty would be engaged in all his Quarrels, and bound to make his Forces march (as the before-mentioned Author of the Letter to Sir *Thomas Osborn*, expresses himself) into the farthest part of *Germany*, as often as it should happen to be invaded by the Great *Turk*. The late Secretary *Trevor* opposed this as much as he was able, and endeavoured to satisfy His Majesty, That the Garanty of the Triple League, as well as of the Treaty of *Aix la Chapelle*, related only to the Aggression, and other Hostilities from either *France* or *Spain*: Propterea (saith the Treaty) by reason of the said

Said Alliance. But the wary cautious men (as well as of the greater number) carried it, and the Emperor's Proffer was rejected.

Nay, as soon as some of our *Semi-Gods* had cut the fatal *Triple Knot* with the *Diamond Sword* of their *Alexander*, the poor now, but formerly vaunted *Triple League*, was trampled under-foot, turn'd into *Ridicule*, and less valued than a *Ballad*: His Majesty, and they themselves, since the Treaty of *Aix*, had thought it very rational, and very necessary withal, to invite other Princes into the said League, or, in other words, into the *Garanty* of the Treaty of *Aix*, pursuant to the 7th Article of the said Treaty, whereby all *Kings, States* and *Princes* are invited into it. But, as if they remembered neither His Majesties sending of *Envoys* to the *Princes of Germany*, nor the words of the Treaty it self, they tell us now (in the same printed Letter) *That the necessity of inviting all Princes into the Triple League, is a Maxim much in vogue with some, who looking very grave, do therefore take it very ill, if for that reason you will not allow them to be infallible.* And afterwards, because the *Triple League* is often mentioned, without mentioning the *Garanty of Aix*, (which is in truth the thing meant by it) to say (saith the Author) *we should invite them into the Triple League—That, if you mark, is such a kind of Figure in Discourse, as commonly is called a Bull.* Fidem veltram, *Dii immortales!*

4. We have gone yet farther than all this, and the civil applications of the *French*, and their kind entreaties, did so prevail with us, that loathing the very thoughts of the *Triple League*, and hating almost any thing that related unto it; we suffered an *Agent* of ours, one *Morsilly*, whom we had sent to the *Switzers* to invite them into the *Garanty of Aix* (and who was intercepted and taken Prisoner by the *French*, whilst he was very busy in the execution of what Commands he had received not many months before from our Great Men) to be broken upon the Wheel at *Paris*, although one single word from us would have saved his Life. Neither did we take it ill (such is our good Nature) that upon the very Scaffold twenty Questions were put to him relating to *His Majesties Person*; and (in that publick and infamous place) a strict Enquiry made into the particulars of what had passed between him and the King of *England*, for thus was his Majesty often mentioned and named.

4. But to take off somewhat of the wonder and strangeness of our neglecting and forsaking our *Leagued Friends* for the most *Christian King's* sake, we soon shewed as much Self-denial in our own Concerns; and grew civilized to admiration, by our inward Converse with the *Monsieurs*, whereof we'll give only three Instances.

The first is, That whilst we stormed against the *Dutch* for not promoting as far as they were bound the coming away of some Families that would leave *Surinam*, we found no fault with the *French* their keeping us above four years out of *St. Christophers*, no more than with their destroying, in the mean while, that part of the *Island* which belonged to His Majesty's Subjects. And we would have thought it a rudeness in us to have pressed too hard on his most *Christian Majesty* for a speedy or punctual Performance of his Articles. Nay, if the *French* Commanders in those parts are to be believed, there was a very good understand in relation to the said *Island*, between some of our *Grandeecs* in the *French Court*, as doth appear by the Narrative my Lord *Willoughby* delivered to the *Council of Plantations*, and which is entred in their Books.

The next is, That by an Ordinance of the *French Privy-Council*, (which is now the *Statute-Law* of that Kingdom) all their Sea and Land Officers, and Commanders in the *Islands of America*, being strictly enjoyned and required to secure their Master the *Sovereignty* of those Seas; the said Ordinances having been brought in by a Person of Quality to the *Cabinet-Council*, it was at first to be declaimed against, but soon buried in Oblivion, and put up amongst the useless Papers, though the *French*, pursuant to it, have since much interrupted our Trade, and have proved infinitely vexatious, inasmuch (as I am credibly informed) that the present Governour of *Jamaica* hath sent word (since his being there) that notwithstanding their old Quarrel with the *Spaniards*, it would be much easier to keep a good Correspondance with them, than with the *French*, our dear Allies.

And for a last Instance of our more than ordinary Civility to the *French*, several *Traders* in *London* have prepared a *Petition* to His Majesty in Council, to complain of the Oppression their Factors and Agents lay under in *France*, with a true State of their Case, and a short Account of their Grievances; this came to the knowledge of some of our Great Ministers, and they having had the perusal of them before the delivery of it, stopt by their Authority all further Prosecution of the Matter, and put off the said Merchants, with a Promise they would acquaint the *French Ambassador* with their Complaints, and see it should be redressed through his means. How far they have been encouraged in their Trade since that Promise, they are best able to judge; but however it was not fit the Nakedness of our dear Friends should be thus exposed to the view of the whole Council-Board.

And

And the foregoing Particulars are more than sufficient to satisfy any impartial and understanding Reader, how far the *French* have influenced our *Councils*; and withal they give us a great Light, and help us much to discern, whether in truth we have broken the *Triple League*) or at least let it fall, and dissolve of it self) for no other reason, but because we are constrained to fall out with the *Dutch*, and to defend our selves against their Oppression, as the so often cited noble *Author* would persuade us; or else, if it may not be said rather (and upon much better Grounds) that because it was not the *French King's Interest* the *Triple League* should subsist, we have therefore resolved to break with the *Dutch*, thus to be subservient to the Ends of his most *Christian Majesty*.

But by reason this might seem somewhat harsh at first, and be looked upon as too severe a Construction of our Great Mens Intentions, it is necessary to evidence further, & industrious the *Cabal* have been in their Endeavors to make this War just (or those thought so at least) after they had once resolved to make War.

Thus they first made a great noise of infamous *Libels*, horrid *Pictures*, *Pillars* set up, and *Medals* coined, to the infinite Dishonour of his *Majesties* Person, and of his *Royal Dignity*; whereas to this day, none of those *Libels* or *Pictures* could be produced; and the *Pillars* had never any being but in the Imagination of those who made it their work to raise a Jealousie between the *Two Nations*, and set *Europe* in a Flame. It is true, there was a *Medal* coined, which might have been spared; but as soon as it was known in *Holland*, some Exceptions were taken at it, the *Stamp* was broken in pieces, and withal, all impartial men that have seen it, could not discern any thing in it which could give so much offence, or that looked like an Affront intended to his *Majesty*.

Besides this, thinking it very material to have in this, as well as in the late War, if not the Clamour, at least the Concurrence of the *Traders*; they sent for several of them, and endeavoured to draw from them some Complaints against the *Dutch*, for the strengthening of the *Good Cause*. Wherein it is very observable; that the *Committee* of the *East-India Company* being (amongst others) desired to bring in their *Grievances*, they answered, and gave it under their Hands, they knew of no Wrong done to them by the *Dutch* since the *Treaty* at *Breda* (or words to that effect.) But it seemeth the *Compiler* of his *Majesties Declaration* was better informed, and knew more of the *Company's* Concerns, than their *Committee*.

But all this not serving the turn, the difficulties which did arise in the performance of the *Conditions* of the Surrender of *Surinam*, must be improved to the height: And even after *Secretary Trevor* had adjusted the matter with the *States*, and had received from them the *Orders* which were agreed upon; *Banister's* going was retarded, and *Sir John Trevor's* Agreement (as if he had not faithfully discharged his Trust in it) submitted to the Censure of the Council of *Plantations*, where at last the said *Banister* pleaded so well his own and *Secretary Trevor's* Cause, that with much ado the one was cleared, and the other dispatched away, though with many Devices and Tricks (too tedious to be inserted here) which (if not prevented) might have made his Voyage altogether unsuccessful. But we must not forget, that the very men who found so much fault with what *Mr. Secretary Trevor* had done, were themselves satisfied with much less, before they had hearkened to new *Councils*; and were not a little angry with *Colonel Banister* for desiring more than the *States* were willing to grant. What (was it said at that time) do you think we must make War for you? Or that we are bound to procure you whatsoever may be advantageous to your self, and to your fellow *Planters*? *Quantum mutatus ab illo*.

Their next Work and (in truth) *Great Master-piece*, was the sending the *Yatch*, with *Orders* to sail through the *Dutch Fleet*, and require striking to his *Majesties Flag*. And I am so far from justifying or excusing in the least the refusal which the *Dutch Admiral* made to pay what respect was due to the *English Colours*, that the *States* themselves do not own it, and are ready to enter into any new *Engagement* for preventing the like for the future. But there are several Circumstances in it which are worthy of *Observation*: As, That the *Dutch Fleet* was then at Anchor not far from their own Coast, and in a Station which by many *Geographers* is accounted no part of the *British Seas*.

2. That the *Dutch* were out at that time in pursuance of the *Triple League*, and to be ready upon occasion to relieve the *Spanish Neiber-Lands* which were threatened by the *French*, who were then in *March* with a considerable *Army*, and came as far as *Dunkirk*, which one would think was a very unfit time to send out on purpose to pick a Quarrel with them: And the rather, because we had promised the *Dutch* to set out a *Fleet* as well as they, to joyn with theirs, for the common safety. 3. That the *Pensionaire De Witt*, who Governed *Holland* at that time with a more than *Ministerial Authority*, took a Pride in standing in *Punctilios* in all things relating to *England*, which maketh the *Common-wealth* it self to be less guilty of any disrespect shewed, either to His Majesty or to the Nation,

England's Appeal from the

through the Haughtiness and private Animosity of their *Minister*. And truly I must needs say, that of all the things that are laid to the said *De Witts* charge, there is hardly any which would make me more apt to believe there was a *Private* understanding between the *French* and *Him*, than his carriage in this business, and his demurring so long upon the satisfaction which the greatest parts of the *States* were willing to give to *England*, whilst he knew full well, that it was a *Quarrel* sought by our *Ministers* who wanted some popular pretence to make *War*, and keep their word to the *French King*. 4. That we staid several months before we demanded satisfaction; lest if we had demanded it too early, it had been granted us too soon. 5. That when *Sir George Downing* was sent over, he was bound by his Instructions not to accept of any satisfaction from the *Dutch* after a certain number of days which were prescribed to him, which is a very irregular and unusual way of proceeding in *Embassies*, and much less practicable in *Holland* than any where else, it being impossible to have the resolutions of their *Towns*, and afterwards their *Provinces*, without a considerable time. 6. That this was made so much the more difficult, by our demanding not only the usual striking, which (though ever practicable, and due to *England*) was first *Nationally* agreed upon, in 1654. and confirmed by the two *Treaties* with his *Majesty* in 1662. and 1667. but also a new kind of acknowledgment of the *Sovereignty* of the *Seas*, which is not mentioned in the said *Treaties*. So that by joyning them both in a *Memorial*, if the *Dutch* did demur upon the second, and so delayed the *Granting* of the first, it was a ready way for us to clamour, and possess the whole *Nation*, the *Dutch* had broken their *Treaty*, and refused to *Strike* to the *English Flag*. 7. That after the *Dutch* had given their answer to the said *Sir George Downing's* *Memorials*, he refused to receive it, and came away without it, against a second *Order* he had received under his *Majesties* own hand, for which also he was *Committed* to the *Tower*. But not to wrong the Gentlemen, we must also own, that though he had a positive and latter *Command* from his *Master*, which did so far rescind his Instructions, yet his friends have whispered in his behalf, for his Justification, that he had received at the same time Letters from some of our Great *Ministers*, who conjured him, as he tendered his own good, to follow his Instructions and keep close to them. 8. Lastly, it is very observable, that the *Dutch* having sent an *Express*, the Answer *Sir George Downing* would not receive, we first replied it was dark, obscure and insufficient. Upon which they sent an *Extraordinary Ambassador*, who jointly with the *Leiger Ambassador* told our *Ministers*, that his *Masters* intentions and desire to give his *Majesty* all possible satisfaction in the business of the *Flagg*, they both *Ordered* and *Impowered* him, to clear what might be obscure or dark in their Answer, and supply what was insufficient, and therefore desired them to instance in what they did not approve of, or did think amiss, or else that they would be pleased to draw up themselves after their own *Method and way* what *Article* they thought necessary for the preventing of the like inconvenience. They Answered, the *States* with their *Ministers* knew best how to *Frame* and *Word* their own Answers neither could it be expected they should draw up papers for them. Whereupon the *Dutch Ambassadors* brought them a project of an *Article* to be agreed upon concerning the *Flagg*, and asked them whether it was *Worded* to their mind, and if that would satisfy them? To which they gravely answered that when they had signed and delivered it they would tell them their mind concerning it. And the *Ambassadors* refusing still to sign it, unless they knew before hand it was *Satisfactory*, their conference thus broke off; yet upon second thoughts, the *Ambassadors* having resolved to sign the said Paper, and to deliver it at a venture, they demanded a *New Conference*, which was promised them, and Seven of the Clock at night appointed, on the *Sunday* after the Engagement with the *Smyrna Fleet*. But on the very same day, lest the *Dutch* might comply further with us then we desired, our *Grandeess* did prevail with his *Majesty* to call an extraordinary *Council*, and to have without further delay the Declaration of *War* read and approved. So that when the *Ambassadors* came at their appointed time, with their Paper ready signed, they were told in short they came too late.

7. I might add as many and as considerable instances of what Arts and Policy our great Men have used to deceive his *Majesty*, and to bring him by degrees into a liking of their *War*. But this matter being so ticklish and nice, that I fear I should not be able to go through with it (although I took never so much care) without exposing my self to the censure of the *World*, and having either my intention or some of my expressions misconstrued; I think it much safer and more prudent to draw a *Curtain* over that part of the *Ministry* of the *Cabal*, and leave their *Reputation* so far untouched, since they have had the Skill to weave it (as it were) in more then one place into that of their *Master*.

8. For a farther clearing of this, and to satisfy our selves, as far as we are able, whether the Construction we do seem to make of the Carriage and Designs of the *Cabal*, be not too partial; it will not be amiss if we endeavor to discover what their own Opinion was of it at first, and how far they were persuaded themselves, their new *Councils* were agreeable

agreeable to the true Interest of England; which will best appear by the two following particulars.

The first is, Their great care of not trusting with their *Mysterious Intrigues*, Persons, whose either Quality, natural Courage, honesty, or Experience, made them suspect they would be either too inquisitive, before they would joyn and concur with them, or else too resty and froward, if they chanced to be of another mind. And upon these fair and honest Grounds, they reformed their Cabinet Council; and turned at once out of the Committee for Forreign Affairs, Prince Rupert, the Duke of Ormond, the Lord Keeper, and the late Secretary Trevor; This being the first Secretary of State that was ever kept out of a Commission of that Importance. Not to mention several other eminent and considerable Privy Councillors, who till then had been Commissioners in all Negotiations and Treaties with France.

Now in case the Cabal had no Designs but what were for the Honour and the Safety of the Nation, why they should so industriously seek to conceal it from persons that have deserved so well both from his Majesty, and from the whole Kingdom, is what passeth my poor understanding: and whoever is able to unriddle this, *Erit mihi magnus Apollo*.

But if this be no convincing Argument, the next I hope will be somewhat plainer; and both Houses are best able to judge, whether their sitting was so dangerous, or how faithful those Councillors must be, who could advise his Majesty to prorogue, so often, upon the French King's desire, a Parliament whose Loyalty and Zeal for their Sovereign, is not to be matched in any former Age. We do not hear that either the Cecils or Walsingham ever advised the Queen, their Mistress, not to call her great Council, or suffer them to meet, when she was preparing to assist the Protestants in France, or to protect the United Provinces against Philip the Second. King James had no reason to fear his Parliament, who, if they came together, would not oppose the assistance of the *Palsgrave*. And his Majesty now reigning, hath in the former War, against the very same Enemies, had a sufficient experience of the readiness of both Houses, to promote, as far as they are able, any design which they conceived might tend to the honour and safety of his Government, and the prosperity of the Kingdom. Why then should our great Men obstruct the cheerful Compliance of his Majesty's faithful Subjects? 3. Why not to call upon those, whose assistance was so necessary, and who never denied it when demanded? Let us not condemn them before we hear all. Parliaments (I speak it with due reverence) are now and then peevish things that will not be satisfied with fair words, and pry too far into Secrets that are not to come to publick view. Our Grandees were afraid, if so many clear sighted Men came together, some one or other would spy out the Snake that lay in the Grass, and if their Mine had once taken vent, the whole design had miscarried. No, no, we'll do better (saith the Cabal) we'll be wiser than to run that hazzard, we are resolved to make War, and will not be crossed in it by any Parliamentary Clamours. If for want of a Parliament, we can have no English Subsidies, we'll make a shift with French Supplies; and if that doth not serve the turn (observe the Gradation) we'll shut up the Exchequer. In the mean while the *Smyrna* and *East-India* Fleets will fall into our hands; And when we have all that Treasure, who shall dare to find fault with us?

Having brought the Cabal thus far, we must, before we part, wait once more on some of them as far as Holland, and so take our leave of them.

We have already given some account in the first part of this discourse, of the new Agreement entred into with the French King, by our Plenipotentiaries, and demonstrated the fatal consequences of the same; what followeth will clear it farther.

The wonderful Progress of the French, having surprized and frightened all Europe, our Court (who knew what slender provision was made for England in that Conquest) was little less Alarm'd than the rest: And our Grand Ministers were dispatched in Post-haste, both to the Dutch and to the French, their greatest fear, when they went, being lest they should come too late, and find the whole Countrey under the French Subjection. After their Arrival in the Hague, they begun their first Compléments to the States Commissioners, that were sent to wait upon them, with all the Expressions imaginable, both of kindness to Holland, and of concernment and trouble to see the French so far advanced. There they received an account of Monsieur de Groot's Negotiation, and of the great care the French took of his Majesty; which raised such an Indignation in them, that nothing would serve their turn, but destroying out of hand, or at least mastering the French Fleet. And from thence removing to the Prince of Orange his Camp, they renewed their kind Protestations: Assured his Highness, That his Majesty's intention had never been to give way to the Conquest of the United Provinces: The most Christian King himself, having often times declared, he only intended to humble their Common wealth: neither was it fit to suffer the French should go on at that rate. In the end they took upon them, and engaged to do their utmost to bring the French Court to be Satisfied with

Maeftricht,

Maeftricht, and the right of keeping Garifons in the Towns upon the *Rbyne*, that belong to the Electors of *Brändenburgh* and *Collen*: And, that in Case the *French* refused to accept of those Terms, they would then take new measures with the *States*, and consider jointly of the best ways, to prevent the destruction of their *Common wealth*, as well as the dangerous encrease of the *French*.

With these fair promises and friendly assurances, they proceeded on their Journey to his most *Christian Majesty*, who was some few hours riding from thence: leaving behind them an infinite satisfaction in the miads of all Persons, with great expectation of a happy Change, through their Zealous interposition. But what may not the *Royal Eloquence* of a most *Christian King* do? What will not his *Golden Word* persuade? After our *Grand Ministers* had been some few days in the *French Army*, they found they were not mistaken before, and began to have a clearer apprehension of things. The *Negotiation* of *De Groot*, with the particulars imparted to them at the *Hague*, was a meer slander; for so the *French Court* told them. The encrease of the *French Power* was not to be suspected or feared; they were too generous to abuse it. And therefore after they had left the Prince of *Orange*, three or four days without News from them, they at last sent him word, The *States* were to give satisfaction to both *Kings* jointly: And that neither *Crown* could or would treat separately. This unexpected *Messsage* did infinitely surprize as well the Prince of *Orange* as the *States*. And his *Highness* (who had full power given him by the *States* to Treat and conclude with *England*) not to be held longer in suspense, answered the *Plenipotentiaries*, He desired to know what would satisfy both *Crowns*, and what their respective demands were? Whereupon they sent him the joint *Proposals* before-mentioned, together with a Copy of the new agreement they were entred into; concerning which, we'll add only to what hath already been said, these following *Queries*.

1. Whether they were sent only to promote the *French Conquest*? and if not, how they could think it adviseable, by making the Peace impossible, to force the *Dutch* (as far as in them lay) to cast themselves into the Arms of the *French King*, and submit themselves to his *Domination*?

2. Whether they can deny they knew the joint *Proposals* tendred to the *Dutch* should not be granted, since the *French* demands alone had been unanimously rejected? and in that case, how agreeable it was to the Interest of *England* to make it impossible for the *Dutch* to give his *Majesty* any satisfaction?

3. Whether they had not received, as well from the Prince of *Orange* as from the *States Commissioners*, all possible assurances of the infinite desire they had to see his *Majesty* return to his former *Amity* with them, and of their readiness to purchase it at any rate that the condition they were in would bear? If so, how faithfully the *Plenipotentiaries* discharged their trust, in neglecting those proffers, and entering into a new *Engagement*, which was so prejudicial to *England*, as we have made it appear?

4. How far those that were joined in *Commission* with them did concur with them in their Judgment, and whether all those considerations, with many other, were not represented to them; and urged by some who had no other end, but to serve their *Master* faithfully?

5. Whether or no it was for that Reason, they opposed, so fiercely my Lord Viscount *Hallifax* (who came a day or two after them) his appearing and acting jointly with them, though *Commissionated* in as full and as ample manner as themselves?

6. Who were those (after my Lord *Hallifax* could be kept out no longer) who went privately to the *French Camp* under several pretences, and had still *Negotiations* of their own on Foot?

7. Whether they had order to call the *French King*, the *King of France*, and to name him still before their *Master*, as well as to set, in the first place, the *French demands* before those of his *Majesty*; as all this was done in the Copies of the *Agreement* they had made, and of both *Kings* pretensions, which they sent together to the Prince of *Orange* by Sir *Gabriel Sylvius*: and to which we may appeal if the truth of this be doubted?

8. And lastly, how far their Instructions will justify their standing in the behalf of the *French*, upon a publick Exercise of the *Roman Catholick Religion* in the *United provinces*, the *Churches* to be divided, and the *Romish Priests* maintained out of the publick *Revenue*; as is set down more at large in the second Head of the *French demands*?

Having thus in all uprightness of Heart stated, as clearly as I am able, the present *Grand case* of the *Nation*, wherein I may truly say, before God and his *Angels*, I have averred no one thing without *Good Vouchers*, and such respectively as the nature of the thing doth bear; I'll end with a few *Summary Hints* of what we have discoursed at large, and laying in all Humility both my self and these reflections, as well at his *Majesty's*, as at his *Great Councils Feet*, I beg of them to take into their serious Considerations.

1. The natural solid greatness of the French Monarchy.
2. Their ambitious and aspiring thoughts in all Ages, with the consequences of the same.
3. The great increase of their Power under their present King, both by Sea and Land.
4. How far it was, not long since, thought fit to stop their progress, and what steps were made in order to it, as well as the zeal with which it was carried on.
5. The carriage of the present French Court, and how they have dealt with most Princes of Europe.
6. How kindly they have used both His Majesty in particular, and the whole Nation.
7. How true they have been to their Word, and to their reiterated Promises and other Engagements.
8. How faithfully they have performed Articles, Liberties, and what security we have, they shall not be still ready to do worse.
9. The necessity of keeping a true Balance between the European Princes.
10. How dangerous it is to alter that Balance, which once settled on a solid Basis.
11. The dreadful consequences of the Conquest of the United Provinces by the French.
12. The impossibility of our Conquering them.
13. The impracticableness or disproportion of the supposed sharing and dividing of this Country, with the little advantage and benefit which at the best would accrue to us.
14. How prejudicial and hurtful, would to the contrary, any possibility and practicable sharing prove; the same being, in truth, no other than an absolute French Conquest.
15. How destructive the present War must needs be in the end, in case the Dutch shall be enabled by the assistance of their Allies, to recover what they have lost, and to come out with as considerable a Fleet as ours.
16. How considerable these Allies are, and how much Christian Blood will be shed by our wilful adhering to the French.
17. How unavoidable a Breach with Spain will be, in case we persist in our Alliance with France.
18. And how fatal the consequence of a Spanish War.
19. How much greater the danger will prove, if the French be able to conquer as well Germany and Spain as the United Provinces, and that no Confederacy of Princes, how great and how powerful soever, be a sufficient Balance to their forces.
20. And lastly, How faithfully our Ministers have discharged their Trust in these great Emergencies. How free they have been from dependences upon Foreign Courts. How far they have been jealous of their reputation in that particular. What great care they have had of keeping up the Credit and the Reputation of the Triple League, and of their own Masters with it. Their backwardness (not to say worse) in Redressing, or at least Declaring against all the wrongs done by the French, as well to his Majesty himself, as to his Subjects. Their industrious Endeavours and various Stratagems to engage his Majesty, and the Nation in this War, then ingrossing all business of concernment, and concealing the most important Debates and Resolutions from his Majesty's Privy Council. Nay, thus keeping it unreasonably from his great Council, and putting off their Sessions, lest they might cross their designs. Lastly, The carriage of some of them in Holland, and of the care they took of a be Interest both of England, and of the Protestant Religion.

Now I call Heaven and Earth to Record, this day, that I have set before you Life and Death, Blessing and Cursing; therefore chuse Life, that both you and your Seed may Live.

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A Relation of the most material Matters handled in PARLIAMENT,

Relating to Religion, Property, and the Liberty of the Subject.

With the ANSWERS unto such ADDRESSES as were made unto His MAJESTY, in Order to the Redressing the several GRIEVANCES complained of, and the Behaviour and Carriage of the Popish and French Court Party. First Printed in the year 1673.

February 26. 1672.

THE Parliament, where notwithstanding His Majesty told them in his Speech, he would stand by His Declaration of Indulgence; yet the House of Commons, Febr. 10. upon reading it, Resolved,

That Penal Statutes in Matters Ecclesiastical, cannot be suspended but by Act of Parliament. And

That a humble Petition and Address upon this Vote, and the Debate of the House, be prepared to be presented to His Majesty, and a Committee appointed for that purpose.

But yet it appeared that the Sense of the House was not against the Matter of Indulgence pretended to be granted by that Declaration to Protestant Dissenters; but the manner of doing it (whereby the King assumed to himself Power to suspend Penal Statutes in Matters Ecclesiastical, which they thought was of very dangerous consequence, and might one day chance to overthrow all our Laws and Liberties.) For, Febr. 4. Resolved in the House of Commons, *Nemine contradicente,*

That a Bill be brought in for ease of His Majesty's Protestant Subjects that are Dissenters in Matters of Religion from the Church of England, and the House to be in a Committee on Monday, to consider the Subject-matter of this Vote.

A Bill being drawn accordingly, received no great Opposition in the House, but was looked upon by the Major part of the Members, as the only means to keep Popery from flourishing in this Nation, and in time to expel that Religion, whose Professors have in all Kingdoms and Nations endeavoured by all ways lawful and unlawful, to establish their Superstition; and to that end and purpose, have troubled, as they have had opportunity, the Peace of the Christian World; and had now by their great Interest at Court, sufficiently strengthened (as they imagined, and most honest Men feared) that Party to the overthrow of the Protestant Interest, whereof I shall hereafter discourse a little more at large, when I come to the Prorogation of this Session, Octob. 20. But now I return to the Petition and Address, touching the matter of Indulgence.

This Petition and Address being drawn and approved of, February the 19th, was presented to His Majesty in the Banqueting-house by the whole House, which follows in these words:

Most Gracious Sovereign,

"We Your Majesties most Loyal and Faithful Subjects, your Commons assembled in Parliament, do in the first place, as in all Duty bound, return Your Majesty our most humble and hearty Thanks for the many gracious Promises and Assurances, which Your Majesty hath several times, during this present Parliament, given to us, That your Majesty would secure and maintain unto us the true Reformed Protestant Religion, our Liberties and Properties: Which most gracious Assurance your Majesty hath out of your great goodness, been pleased to renew unto us more particularly at the opening of this present Session of Parliament.

"And

"And further, we crave leave humbly to represent, that we have with all Duty
"and Expedition, taken into consideration several parts of Your Majesties late
"Speech to us; and withal, the Declaration therein mentioned, for Indulgence to
"Dissenters dated the 15th of March last. And we find our selves bound to in-
"form your Majesty, That Penal Statutes in matters Ecclesiastical, cannot be su-
"spended but by Act of Parliament.

"We therefore the Knights, Citizens, and Burgesses of Your Majesties House of Commons;
"do most humbly beseech your Majesty, That the said Laws may have their free course,
"until it shall be otherwise provided for by Act of Parliament. And that your Majesty
"would be graciously pleased to give such Directions herein, that no Apprehension or Fea-
"lousies may remain in the Hearts of your Majesties good and faithful Subjects.

His Majesty was not a little concerned at this Proceeding (it being so far from the former course of that House to do any thing against the King's Inclination.) But the more because of his Resolution express in his Speech at the opening of this Session, to stand by his Declaration; and therefore would not remit that pretended Power of dispensing with Laws relating to the Establishment of Religion; and for that Reason delayed to answer the Petition and Address: But the House pressing by the Privy Counsellors that were Members (according to a Vote of the 22d of February) for an Answer thereunto; His Majesty upon mature deliberation, returned by Mr. Secretary Coventry, Febr: the 24th this Answer:

C. R.

His Majesty hath received an Address from you, which he hath seriously considered of; and returneth you this Answer, That he is much troubled; that that Declaration which he put out for ends so necessary to the quiet of the Kingdom, and especially in that Conjunction, should have proved the cause of Disquiet in the House of Commons, and have given occasion to question his Power in Ecclesiasticks, which he finds not done in the Reigns of any of his Ancestors. And he is sure he never had thoughts of using it otherwise than as it has been entrusted in him to the Peace and Establishment of the Church of England, and to the ease of all his Subjects in general: Neither doth he pretend to the Right of suspending any Laws wherein the Properties, Rights, or Liberties of his Subjects are concerned; nor to alter any thing in the Established Doctrine or Discipline of the Church of England.

The only design of this was to take off the Penalties the Statutes inflict upon Dissenters, and which he believes when well considered of by you, your selves would not wish executed according to the Rigour and Letter of the Law.

Neither hath he done this with thought of avoiding or precluding the Advice of his Parliament. And if any Bill shall be offer'd him, which shall appear more proper to attain the aforesaid ends, and secure the Peace of the Church and Kingdom, when rendered in due manner to him, he will shew how ready he will be to concur in all ways that shall appear good for the Kingdom.

The Thanks of the House was returned to His Majesty for his Gracious Assurances and Promises; but the Answer being not, as they thought, satisfactory, His Majesty seeming to justify his proceeding in that Affair, they resolved to make a Reply thereunto, and thereby secure both Law and Property.

Which endured some Debate, wherein was related a Passage in a Speech of His Majesties, of February 18th, 1662. to both Houses of Parliament (when other Councils were prevalent with His Majesty) whereby he wisheth that he had such Powers in matters Ecclesiastical, as he claims to give by this Declaration; which Passage is as followeth.

If the Dissenters will demean themselves peaceably and modestly under the Government, I could heartily wish I had such a Power of Indulgence so use upon occasion, as might not needlessly force them out of the Kingdom, or staying here, give them cause to conspire against the Peace of it.

February the 27th.

The Commons Reply to the King's Answer, as followeth.

Most Gracious Sovereign,

WE your Majesties most humble and loyal Subjects, the Knights, Citizens, and Burgeses in this present Parliament assembled, do tender your Sacred Majesty our most dutiful Thanks, for that, to our unspeakable comfort, your Majesty hath been pleased so often to reiterate unto us those gracious Promises and Assurances of maintaining the Religion now established, and the Liberties and Properties of the People: And we do not in the least measure doubt, but that your Majesty had the same gracious intentions in giving satisfaction to your Subjects by your Answer to our last Petition and Address; yet upon serious consideration thereof, we find that the said Answer is not sufficient to clear the Apprehensions that may justly remain in the minds of your People, by your Majesty's having claimed a Power to suspend Penal Statutes in matters Ecclesiastical, and which your Majesty doth still seem to assert in the said Answer, to be intrusted in the Crown, and never questioned in the Reigns of any of your Ancestors, wherein we humbly conceive your Majesty hath been very much misinformed; since no such thing was ever claimed or exercised by any of your Majesties Predecessors; and if it should, might tend to the interruption of the free course of the Laws, and the altering of the Legislative Power, which hath always been acknowledged to reside in your Majesty, and the two Houses of Parliament.

We therefore with unanimous consent, do become again most humble Suitors to your Sacred Majesty, That you will please to give us a full and satisfactory Answer to our said Petition and Address; and that your Majesty will take such effectual Order, that the proceeding in this matter may not for the future be drawn into Consequence or Example.

Whereunto His Majesty gave this Answer for the present, *That indeed this was of Consequence, and he would take it into consideration.*

By this, finding that the House would not rest satisfied with his first Answer, but expected a Disclaimers of his assumed power to dispence with Laws in matter of Religion; he had repair to those Counsellors that advised him to attempt what was so distasteful to that House; who finding such great Opposition from those that must furnish them with Money to carry on the present War; and knowing, unless they made them some colourable Disclaimers, the Money-bill would not pass; advised His Majesty, as a fit means to put an end to the Controversie, to apply himself to the Lords, thereby seeming not to recede from his pretended Right, and yet willing to do something plausible, by making that House Parties and Judges of the Difference; and thereupon—

March 1. 1672. His Majesty made this following Speech to the House of Lords.

MY Lords, you know that at the opening of this Session, I spoke here to your Satisfaction, it hath notwithstanding begotten a greater Disquiet in the House of Commons, than I could imagine. I have received an Address from them, which I looked not for, and made them an Answer which ought to have contented them; but on the contrary, they have made such a Reply of such a nature, that I cannot think fit to proceed any further in this matter without your Advice. I have commanded my Lord Chancellor to acquaint you with all the Transactions, wherein you will find Me and your selves highly concerned. I am sensible of what relates to my self; And I assure you, my Lords, I am not less for your Privilege, and the Honour of this House.

By this means the Lords (that medled not before,) became, as it were, interessed in the Matter above-recited, and took the King's Application unto them for their advice, as such an extraordinary Favour, that the same day they shewed their Gratitude, by presenting him their Humble Thanks, in these words: *We the Lords Spiritual and Temporal in Parliament Assembled, do unanimously present Your Sacred Majesty our most humble Thanks, for having been pleased to communicate unto us, what hath passed between Your Majesty and the House of Commons; whereby Your Majesty hath graciously offered the Means of shewing our Duty to Your Majesty, and of asserting the Ancient just Rights and Privileges of the House of Peers.* Whereunto the King returned this Answer:

“My Lords, I take this Address of yours very kindly, and will always be Affectionate to you; and I expect that you shall stand by me, as I will always by you. Yet notwithstanding these sweet words, it was the next day only Resolved, That the King's Answer to the House of Commons, in referring the Points now controverted to a Parliamentary Way by Bill, is Good and Gracious, that being a Good and Natural Course for Satisfacti-

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on therein. This Vote seemed to them the fittest means to reconcile the matters controverted, it neither determining one way or other, as to the right of the matter in debate; And yet for all this, the Commons receded not from their first purpose of settling the Power claimed by the King on its old Foundation, as you shall see hereafter.

In the mean time, whilst this was in agitation in the House of Lords, the Commons taking notice of the extraordinary increase of Popery, and prevalency of that Faction at Court, who had so powerfully managed their Interest, as to procure very many places of great Trust and Profit, conferred on men either professed Papists, or surely obliged to their Party, feared, and not without Grounds, the Ruin of the Protestant Interest might perchance take its Birth from hence, especially considering, that at that time the *United Netherlands* were almost (in the eye of the World) ruined by the Victorious *French*, and three of the seven Provinces totally conquered the last Summer; and the *Most Christian King* coming into the Field with a powerful Army, not only to defend what he had gotten the last Year, but to conquer the residue: And besides this, two Royal Fleets prepared (the one by His Majesty, the other by the *French King*) to attack them by Sea and Land, as Opportunity should serve, made many people imagine the *Dutch* upon their last Legs, and consequently this Nation in a tottering Condition, both as to Religion and Property; so that an absolute necessity obliged the Commons to shew then (if ever) what they could do towards the removal thereof; and therefore March the 3d. agreed to an Address to be presented to His Majesty for Suppression of Popery; whereunto the Lords Concurrence was desired, and after a Conference obtained, the Address was presented to His Majesty in the *Banqueting-House*, March 7. which is as followeth:

Most Gracious Sovereign,

WE your Majesties most Loyal Subjects, the Lords and Commons in this present Parliament assembled, being sensible of the great Dangers and Mischiefs may arise in this your Majesty's Realm, by the increase of Popish Recusants amongst us; and considering the great resort of Jesuits and Priests into this Kingdom, who daily endeavour to seduce your Majesty's Subjects from their Religion and Allegiance; and how much your Loyal Subjects are disheartened to see such Popish Recusants admitted into Employments of great Trust and Profit, and especially into Military Commands over the Forces now in your Majesties Service; and having a tender regard to the Preservation of your Majesties Person, and the Peace and Tranquility of this Kingdom, we in all humility desire,

That your Majesty would be pleased to issue out your Royal Proclamation, to command all Priests and Jesuits (other than such as not being Natural born Subjects to your Majesty, are obliged to attend upon your Royal Consort the Queen) to depart within Thirty days, out of this your Majesties Kingdom; and if any Priest or Jesuit shall happen to be taken in England, after the Expiration of the said time, that the Laws shall be put in due Execution against them.

And that your Majesty would be pleased in the said Proclamation to command all Judges, Justices of the Peace, Mayors, Bailiffs, and all other Officers, to put the said Laws in Execution accordingly: That your Majesty would likewise be pleased that the Lord Chancellor of England shall, at or before the 25th day of March instant, issue out Commissions of Dedimus Potestatem, to the Judge Advocate, and Commissaries of Musters, and such other Persons as he shall think fit (not being Officers commanding Soldiers) to tender the Oath of Allegiance and Supremacy to all Officers and Soldiers now in your Majesties Service and Pay; and that such as refuse the said Oaths, may be immediately disabled, and not allowed or continued in any Pay or Pension; and that the Chancellor shall require due Returns to be made thereof within some convenient time after the issuing out of these Commissions.

That the Commissaries of the Musters be commanded and enjoined by your Majesties Warrant, upon the Penalty of losing their Places, not to permit any Officer to be mustered in the Service and Pay of your Majesty, until he shall have taken the Oaths of Allegiance and Supremacy, and receive the Sacrament of the Lords Supper according to the Usage of the Church of England; and that every Soldier by Law shall take the said Oaths before his first Muster, and receive the Sacrament in such manner before his second Muster.

And this we present in all dutifulness to your most Princely Wisdom and Consideration, as the best Means for the satisfying and composing the Minds of your Loyal Subjects; humbly desiring your Majesty graciously to accept of this our Petition, as proceeding from Hearts and Affections entirely devoted to your Majesties Service, and to give it your Royal Approbation.

Whereunto His Majesty was pleased to return this Answer :

My Lords and Gentlemen,

I do heartily agree to the matter of your Address, and shall give speedy Order to put it in Execution ; but hope it was not meant in the parts thereof, that it should extend to the Forces immediately to be employed beyond the Seas.

This Proceeding of the Parliament was thought by all good men of great Consequence, and the Nation began to look upon them as their Deliverers (under God) from Popery and Slavery.

The King's Answer pleased too the major part, tho the most intelligent questioned the performance thereof, knowing there was very little Security in His Majesty's Promises and Engagements, so long as that Party which perswaded and advised His Majesty to such pernicious Designs, that had set the World in such a Combustion, contrary to the Interest of His Majesty and the Kingdom, were so prevalent, and had the Ascendant in all his Councils. And also the time was a considerable Motive to make all men doubt ; the Commons being at that time upon the point of giving His Majesty a considerable Supply, which was held back and retarded by the honest Party, till they should, if they could, remove and redress the Grievances then complained of ; and in truth they were not far out in their Calculations ; for no sooner was the Money-Bill passed, and the Parliament thereupon Adjourned, but old Councils were reassumed, and pursued with as great Ardor and more Art than before, and few or none of the Matters and Grievances complained of removed or redressed, as shall in its proper place be made manifest. But to return.

March 8. The House of Commons attended His Majesty in the House of Lords, where he was graciously pleased to give them a new Assurance of his performing their Desires in all things, and furthermore a positive and satisfactory Answer to the House of Commons Reply, concerning the Declaration of Indulgence, for want whereof the Money-Bill was then at a stand : Whereby at that time it seemed to be done rather upon an absolute Necessity of having the Money, than with an Intention to satisfy the Nation in Real Performances. His Majesty's Speech is as followeth :

My Lords and Gentlemen,

Yesterday you presented Me with an Address, as the best means for the satisfying and composing the Minds of My Subjects, which I freely and readily agree to, and shall take care to see it performed accordingly.

I hope, on the other side, you Gentlemen of the House of Commons will do your part ; for I must put you in mind, it is near five weeks since I demanded a Supply ; and what you Voted Unanimously upon it, did both give Life to My Affairs at Home, and disheartened Mine Enemies Abroad. But the seeming Delay it hath met with since, has made them take new Courage ; And they are now preparing for the next Summer a greater Fleet, as they say, than ever they had yet. So that if the Supply be not speedily dispatched, it will be altogether ineffectual ; and the Safety, Honour, and Interest of England, must of necessity be exposed. Pray lay this to heart, and let not the Fears and Jealousies of some, draw an inevitable Ruine upon us all.

My Lords and Gentlemen,

If there be any Scruple yet remaining with you, concerning the Suspension of Penal Laws, I here faithfully promise you, That what hath been done in that particular, shall not for the future be drawn either into Consequence or Example. And as I daily expect a Bill from you for My Supply, so I assure you I shall as willingly receive and pass any other you shall offer Me, that may tend to the giving Satisfaction in all your just Grievances.

This was full, and to the purpose ; but yet fearing that not to be satisfactory to the Commons, Mr. Secretary Coventry, by command of His Majesty, informed the House, That His Majesty had ordered the Declaration of Indulgence to be Vacated, and that he saw the Seal taken off accordingly ; and to the same purpose my Lord Chancellor acquainted the House of Peers.

These Proceedings were so pleasing to the Parliament, that both Houses concurred in returning Thanks to His Majesty, for his most Gracious, Full and Satisfactory Answer to their humble Petitions and Addresses, and the same day attended him therewith at Four

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of the Clock in the afternoon in the Banqueting-House, whereunto His Majesty was pleased to return this gracious Answer ensuing :

My Lords and Gentlemen,

I hope there will never be any more Difference amongst us ; I assure you there shall never be any occasion on my part.

You see here are more and more Assurances, which yet are not enough, as the Sequel will declare.

By this means the Court thought to have had their Ends, as to Money, answered with what Celerity the Parliament could : But yet the Money-Bill went not on faster, than that for Suppression of the Growth of Popery, which controlled the Statesmen's greatest Designs, as appeared by my Lord Treasurer's Speech in the House of Lords, whose Expressions were so bitter and malicious against the Act last mentioned, that it produced several Speeches against his Lordship, in order to Impeach him of High Treason, which had certainly at that time been effected, had not some of the Members betrayed the Design, in not giving their Assistance therein, according to their solemn Promises and Engagements.

But the House of Commons were not altogether satisfied with His Majesty's Gracious Answer to the two Petitions and Addresses; and therefore resolved to proceed further, and to attempt the Redressing of all Grievances whatsoever. Amongst which, finding by frequent Complaints, that Ireland was likely to be over-run with Popery, to the Overthrow of the English Interest there, and having His Majesty's Letter of the 26th of February 1671. and the Proclamation thereupon produced, whereby general License was given to all Papists to live in Corporations, and exercise their Trades there, and to enjoy the same Privileges as other His Majesty's Subjects ought to do, without any distinction; and several other Letters and Proclamations to the prejudice of the English, and advancing of the Irish Interest; they thought that this was the ready way to bring the English there to utter Ruine, and expose their Throats once more to the Irish Mercy: And therefore, March 18. the House of Commons Resolved,

That an Address be presented to His Majesty, representing the State and Condition of the Kingdom of Ireland, and the Danger of the English Protestant Interest there; and that Mr. Richard Talbott be inserted in the Address as a Papist, and not capable of any Command or Employment, either Military or Civil, and that he be not admitted any Access to the Court.

And at the same time Ordered another Address to be drawn, wherein several Grievances of this Kingdom were to be presented, which shall be hereafter related at large, that the Reader may the better discern the several matters complained of.

The Court, at these Proceedings, was in great Indignation, fearing that if the Parliament should be permitted to sit long, they might chance fall upon the Advisers and Promoters of these Grievances, and punish them according to their Demerits, to prevent thereby such destructive Councils for the future; and therefore sent Mr. Secretary Coventry, March 20. to acquaint the House, That His Majesty intended a Recess on the 27th then instant. But this not taking such effect as was desired, March 24. a Writing under His Majesty's Hand was sent to the House of Commons by the same Secretary, which here ensues.

C. R.

I AM commanded by His Majesty, in pursuance of his late Message, to acquaint you, That His Majesty intends you shall rise before Easter, and therefore expects an Expedition of such Bills as are of most Importance; the Bill of Popery, and that of Supply, particularly; and for such other Bills as concern either the Publick or Particular, and cannot be so soon ready, that they may not receive a Disappointment, His Majesty resolves to make this an Adjournment till the beginning of October, when you may continue their prosecution; and in the mean time His Majesty will take such care of the Protestant Religion, as you shall have no cause to complain.

At the Court at Whitehall,
March 24. 1672.

Not-

Notwithstanding which, as well the several Addressses, as the Bill for Suppression of Popery, kept pace with the Money-Bill; which, if passed first, the House feared they should be Prorogued the same day, and all other Matters before them would thereby receive an absolute Dissolution.

March 26. The House attended His Majesty with the several Addressses here ensuing, concerning Ireland.

WE your Majesty's most Loyal Subjects, the Commons in this present Parliament assembled, taking into Consideration the great Calamities which have formerly befallen to your Majesty's Kingdom of Ireland, by the *Papish* Reculants there, who for the most part are profest Enemies to the Protestant Religion, and English Interest: And how they making ill use of your Majesty's Disposition and Clemency, are at this time grown more Insolent and Presumptuous than formerly, to the apparent Danger of that Kingdom, and your Majesty's Protestant Subjects there, the Consequence thereof may likewise prove very fatal to this Kingdom of England, if not timely prevented: And having seriously weighed what Remedies may be most properly applied to these growing Distempers, do in all humility present your Majesty with these our Petitions.

That for the quieting and establishing the Possessions of your Majesty's Subjects in that Kingdom, your Majesty would be pleased to maintain the Act of Settlement, and Explanatory Act thereupon; and to recall the Commission of Inquiry into Irish Affairs, bearing date the 17th of January last, as containing many new and extraordinary Powers, not only to the prejudice of particular Persons, whose Estates and Titles are thereby made liable to be questioned, but in a manner to the Overthrow of the said Act of Settlement. And if pursued, may be of great Charge and Attendance to many of your good Subjects in Ireland, and shake the Peace of the whole Kingdom.

That your Majesty would give Order, That no *Papist* be either continued or admitted to be a Commander or a Soldier in that Kingdom; and that because the *Irish Papists* have furnished themselves with great quantities of Arms, that your Majesty would please to give Directions so to Disarm them, that they may not be dangerous to the Government there, and that their Arms may be brought into the publick Magazines.

That the like Order may be given, That no *Papist* be continued, or hereafter admitted to be Judges, Justices of the Peace, Sheriffs, Governours, Mayors, Sovereigns or Portreeves in that Kingdom.

That the Titular Archbishops, Bishops, Vicars-General, Abbots, and all others exercising Ecclesiastical Jurisdiction by the Popes Authority; and in particular, *Peter Talbot*, pretended Archbishop of *Dublin*, for his notorious Disloyalty to your Majesty, and Disobedience and Contempt of your Laws, may be commanded by Proclamation forthwith to depart out of Ireland, and all other your Majesty's Dominions; or otherwise to be prosecuted according to Law. And that all Convents, Seminaries, and publick Schools, may be dissolved and suppressed, and the Regular Priests be commanded to depart under the like Penalty.

That no *Irish Papists* be admitted to inhabit in any Corporation of that Kingdom, unless duly Licensed according to the aforesaid Act of Settlement. And that your Majesty would be pleased to recall your Letter of the 26th of February 1671. and the Proclamation thereupon; whereby general License is given to such *Papists* to inhabit in Corporations there.

That your Majesty's Letter of the 28th of September 1672. and the Order of Council thereupon, whereby your Majesty's Subjects are required not to prosecute any Actions against the *Irish* for any Wrongs or Injuries committed during the late Rebellion, may likewise be recalled.

That Colonel *Richard Talbot*, who hath notoriously assumed to himself the Title of *Agent to the Roman Catholics of Ireland*, be dismissed immediately out of all Commands, either Military or Civil, and forbidden all access to your Majesty's Court.

That your Majesty would be pleased from time to time, out of your Princely Wisdom, to give such further Orders and Directions to your Lord Lieutenant, or other Chief Governour for the time being, as may most conduce to the encouragement of the English Planters, and the Protestant Interest there, and the suppression of the Insolencies and Disorders of the *Irish Papists*.

These our humble Desires we present to your Majesty, as the best means to preserve the Peace and Safety of that your Kingdom, which hath been of late so much endangered by the Practices of the said *Irish Papists*; and particularly of the said *Richard* and *Peter Talbot*. And we doubt not but that your Majesty will find the happy effects thereof, to the great satisfaction and security of your Majesty's Person and Government, which of all earthly things is most dear to us, your Majesty's most Loyal and Obedient Subjects.

The Address concerning Grievances.

WE your Majesty's most Loyal Subjects, the Commons in this present Parliament assembled, conceiving our selves bound in necessary Duty to your Majesty, in Discharge of the Trust reposed in us, truly to inform your Majesty of the Estate of this your Kingdom; and, though we are abundantly satisfied, that it hath always been your Royal Will and Pleasure, that your Subjects should be Governed according to the Laws and Customs of this your Realm; yet finding that contrary to your Majesty's intentions, some Grievances and Abuses are crept in, we crave leave humbly to represent them to your Majesty's knowledge; and to desire,

That the Imposition of 12 *d.* a Chaldron upon Coals, for the providing of Convoys, by Vertue of an Order of Council, dated the 15th of May, 1672. may be recalled, and all Bonds taken by vertue thereof cancelled,

That your Proclamation of the 4th of December, for prevention of Disorders which may be committed by Soldiers; and whereby the Soldiers now in your Majesty's Service, are in a manner exempted from the ordinary course of Justice, may likewise be recalled.

And whereas great Complaints have been made out of several parts of this Kingdom, of divers abuses committed in Quartering of Soldiers: That your Majesty would please to give order to redress these Abuses; and in particular, That no Soldier hereafter be Quartered upon any private Houses, and that due satisfaction may be given to the Innkeepers, and Victuallers, where they lie, before they remove. And since the continuance of Soldiers in this Nation, will necessarily produce many inconveniencies to your Majesty's Subjects; we humbly present it as our Petition and Advice, that when this War is ended, all the Soldiers that have been raised since the last Session of Parliament, may be disbanded.

That your Majesty would likewise be pleased to consider of the Irregularities and Abuses in pressing Soldiers; and to give Order for the prevention thereof for the future.

And although it hath been the course of the former Parliaments, to desire Redress in their Grievances, before they proceed to give a Supply; yet we have so full assurance of your Majesty's tenderness and compassion towards your People, that we humbly protest our selves at your Majesty's Feet, with these our Petitions; desiring your Majesty to take them into your Princely Consideration; and to give such Order for Relief of your Subjects, and the removing these Pressures, as shall seem best to your Royal Wisdom.

To both which Addresses His Majesty made this Answer, by Mr. Speaker.

That he observed the Addresses consisted of several different parts, and therefore it could not be expected there should be a present Answer; but for the several particular things contained in them, he would before the next meeting, take such effectual care that no Man should have Reason to Complain.

With which the House thought themselves and the Nation so well secured, that the next day they Voted their humble Thanks to be presented unto His Majesty, for his Gracious Answers to their several Addresses; and in particular, for his Gracious Message; and for the care, he hath declared, he would take of the Protestant Religion: And so the Money Bill, and the Bill for the Suppression of the Growth of Popery, were willingly passed, and obtained the Royal Assent at the same time; and thereupon the Parliament was Adjourned till the 20th of October following.

This last Act, with His Majesty's Gracious assurances before related, were esteemed by some a sufficient defence to the Protestant Religion, and the Liberties and Properties of the Subject.

But notwithstanding all these seeming probabilities of assurance, the *Cliffordian* and *French* Designs were carried on in the Interval of this Session, in as pernicious, though different manner from their first Design, whose Method they were forced to change, by reason that the Act of Parliament for the Suppression of the Growth of Popery, was so made that it executed it self; and the means of introducing that Religion seeming then at a stand, they thought of a new project, that in probability might not receive so great opposition, nor attract that envy as the preferment of the *Papists* in several great Offices and Places of Trust had done, yet the same ends might be more certainly and easily, though possibly not so soon obtained. And to this end, a Marriage between his Royal Highness and the Princess of *Modena*, Sister to the present Duke thereof, was proposed; and the better to advance the same, and make the Match appear more considerable, his Most Christian Majesty had declared her an Adopted Daughter of *France*, and would give her a portion suitable thereunto; which Match was concluded without any great difficulty, by the Earl of *Peterborough*; and afterward Consummated by the same Person;

Person, by His Majesty's Royal Consent and Authority; according to the Form used among Princes (as His Majesty was pleased to express it.)

Hereupon the *Popish* and *French* party were grown extremely insolent, having in most Mens Judgments received a less check from the late Act of Parliament, than encouragement from the Marriage.

But before her Highness could arrive in *England*, the Advisers of this Marriage perceived that the Twentieth of *October* would come, and that it might probably receive some Obstructions from the Parliament, and that some other things contrived at their meeting in *March* before, to their prejudice, might chance in a short time to be perfected, and therefore ordered it so, that the Parliament should be Prorogued till the 27th of the same *October*, whereby an end should be put to that Session; and all the business then unperfected, fall to the ground, contrary to His Majesty's Gracious Assurances and Promises, in *March* last, proposing these Consequences as certain, first, thereby to prevent and remove from His Majesty all Temptations to break the intended Marriage, and the *French* Alliance, knowing that the Parliament would use their utmost Endeavours to prevent the Consummation of that Marriage, which was likely to render both the *Popish* Religion, and the *French* Alliance impregnable.

Secondly, Considering that a Bill of Ease for Protestant Dissenters (whereby 'twas intended that the major part of them should have Liberty of Conscience, and be capable of Church-preferment) had passed the House of Commons, and had been sent up to the Lords in *March* before, where it then remained, and would not long stick there (as they feared) before it should obtain the Royal Assent; which if once effected, they did imagine and foresee, that this uniting of Interests would tend greatly to the Suppression of Popery; and consequently, no hopes of replanting thereof in this Nation. But if they could by any means whatsoever prevent the passing of that Bill, they doubted not, notwithstanding all the Parliament could do, to be safe amongst so many Dissenters, and drive on their Designs underhand, for the Ruine and Destruction of all Parties but their own.

Thirdly and Lastly, Their chief Design was to create a Difference and Jealousie between the King and Parliament, whereby (if all other Devices fail) they hope by the help of *French* Forces to introduce Popery into this Nation, and with it Arbitrary Government; which last they have by all Arts imaginable cried up as the best Government; but at the same time deny it to be practicable here, unless Popery precedes, or comes in with it. But to proceed.

This was not so closely carried but the Parliament had notice thereof, and the House of Commons hoping to prevent the Mischief that might arise from this Match, Voted, *October* the 20th. (before they were Prorogued) That the Privy Counsellors of the House should present an Address to His Majesty, whereby he should be desired to put an effectual stop to the Consummation thereof; which was done accordingly, though not to that purpose as it was hoped, as I shall presently shew.

According to the time of Adjournment, *Octob.* 27th. the Parliament assembled, where His Majesty made this following Speech.

My Lords and Gentlemen,

"I Thought this day to have Welcomed you with an honourable Peace; my preparations for the War, and condescensions at the Treaty, gave me great reason to believe so.

"But the *Dutch* have disappointed me in that Expectation, and have Treated my Embassadors at *Cologne* with the Contempts of Conquerors, and not as might be expected from Men in their Condition; they have other thoughts than Peace.

"This obligeth me to move you again for a Supply, the Safety and Honour of the Nation necessarily requiring it; it must be one proportionable to the occasion. And I must tell you besides, that if I have it not speedily, my Mischief will be irreparable in my preparations for the next Spring.

"The great Experience I have had of you Gentlemen of the House of Commons, will not suffer me to believe, that the Artifices of our Enemies can possibly divert you from giving me this Supply, or that you can fail of adjusting the proportion of it.

"I hope I need not use many words to persuade you that I am steady in maintaining all the Professions and Promises I have made you concerning Religion and Property. And I shall be very ready to give you fresh Instances of my Zeal for preserving the established Religion and Laws, as often as any occasion shall require.

"In the last place, I am highly concerned to commend to your Consideration and Care the Debt I owe the *Goldsmiths*, in which very many other of my good Subjects are involved. I heartily recommend their Condition to you, and desire your assistance for their Relief.

"Ther:

"There is more that I would have you informed of, which I leave to the Lord Chancellor.

This Speech being ended, and the House of Commons assembled in their own House, the Consideration thereof (such vast Sums of Money being thereby demanded, as the Nation was unable, and the House thought not safe to give) was adjourned till *Friday*, and the House adjourned till *Thursday* following; at which time the House being met, Mr. Secretary *Coventry* brought the Answer ensuing, to the Address against the Match.

C. R.

That His Majesty having received an Address from the House of Commons, presenting their humble desire that the intended Marriage between his Royal Highness and the Princess of *Modena*, may not be consummated, commanded this Answer to be returned; "That he perceived the House of Commons wanted a full Information of this matter, "the Match being not barely intended, but compleated, according to the Form used "amongst Princes, by his Royal Consent and Authority. Nor could he in the least suppose it to be disagreeable in the House of Commons, his Royal Highness having been "in view of the World for several Months, engaged in Treaty of Marrying with another "Catholick Princess, and yet a Parliament held during that time, and not the least Exception taken of it.

With this Answer the House were not satisfied, and were resolved not to give over the Defence of our Religion and Liberty at such an easie rate, esteeming this Frenchified Match of far greater danger, than the proposed Marriage with the Dutchess of *Ispruck*, hinted in the Answer, was at that time of the Treaty thereof, if it should have taken effect; for then the Religion of his Royal Highness was unknown to most of the Nation, he having since that time refused the Tests provided in the late Act of Parliament for suppressing of Popery: And besides, the House of *Austria* (whereof she was) did not then appear to be in a Capacity to assist so powerfully the propagation of that Religion, as the *French* at this time did; and therefore the House voted another Address with Reasons against the Marriage; and the same day voted, That a Bill should be prepared for a general Test betwixt Protestants and Papists, and those that refused to take it, should be incapable of bearing any Office Military or Civil, or to sit in Parliament, or come within five Miles of the Court. By this Vote the chief Designs of the *Popish* and *French* party were intended to be disappointed, but they ordered their Affairs so that they soon evaded it.

Friday, October 31. The House in a Grand Committee, upon as serious Debate as ever was known there before, took into consideration His Majesties Speech, and resolved,

That the House, considering the present Condition of the Nation, will not take into any further Debate or Consideration any Aid, or Supply, or Charge upon the Subject, before the time of payment of the 18 Months Assessment granted by a late Act of Parliament, intitled, An Act for raising the Sum of 1238750 l. for supply of His Majesty's present Occasions, be expired, unless it shall appear that the Obstinacy of the Dutch shall render it necessary: Nor before this Kingdom be effectually secured from the Danger of Popery, and Popish Councils and Counsellors, and the other present Grievances be redressed.

This last Vote nettled the Court not a little (which only stands in need of Parliaments to raise Money) and therefore were resolved to give them one Remove more; but that it might not seem altogether upon the account of denying Money, they let the Parliament proceed; who on *Monday* then following attended His Majesty with the second Address, with Reasons against the Marriage (they being at that time assured, that it was not so far concluded, but that for reason of State it might have been rejected, as it hath been practised in several Nations, and even by the *French* themselves in several Examples, as do manifestly appear in the *French* Lustories) and to the end the Reader may take notice thereof, I have here inserted it.

"We your Majesties most humble and loyal Subjects, the Commons in this present Parliament Assembled, being full of Assurance of your Majesties Gracious Intentions to provide for the Establishment of Religion, and the preservation of your People in Peace and Security; and foreseeing the dangerous Consequences which may follow the Marriage of his Royal Highness the Duke of *York* with the Princess of *Modena*, or any other of the *Popish* Religion; do hold our selves bound in Conscience and Duty to represent the same to your Sacred Majesty, not doubting but those constant Testimonies which we have given your Majesty of our True and Loyal Affections to your Sacred Person, will easily gain a Belief that these our humble Desires proceed from

from Hearts still full of the same Affection toward your sacred Majesty, and with Intentions to establish your Royal Government upon those true Supports of the Protestant Religion, and the Hearts of your People, with all Humility desiring your Majesty to take the same into your Princely Consideration, and to relieve your Subjects from those Fears and Apprehensions which at present they lie under, from the progress hath been made in that Treaty.

We do therefore humbly beseech your Majesty to consider, that if this Marriage do proceed, it will be a means to disquiet the Minds of your Protestant Subjects at home, and to fill them with endless Jealousies and Discontents, and will bring your Majesty into such Alliances abroad, as will prove highly prejudicial, if not destructive to the very Interest of the Protestant Religion it self.

And we find by sad experience, that such Marriages have increased and encouraged Popery in this Kingdom, and given opportunities to Priests and Jesuits to propagate their Opinions, and seduce great numbers of your Majesties Subjects.

And we do already observe how much that Party is animated with the hopes of this Match, who were lately discouraged by your Majesties Gracious Concessions in the last meeting of this Parliament.

That we greatly fear this may be an occasion to lessen the Affections of the People to his Royal Highness, who is so nearly related to the Crown, and whose Honour and Esteem we desire always be intirely preserved.

That for another Age more at least, this Kingdom will be under the continual Apprehensions of the Growth of Popery, and the Danger of the Protestant Religion.

Lastly, We consider that this Princess having so near a Relation and Kindred to many eminent persons of the Court of Rome, may give them great opportunities to promote their Designs, and carry on their Practices amongst us, and by the same means penetrate into your Majesties most secret Counsels, and more easily discover the State of the whole Kingdom.

And finding, that by the Opinions of very learned men, it is generally admitted, that such Treaties and Contracts by Proxy are dissolvable, of which there are several Instances to be produced: We do in all humbleness beseech your Majesty to put a stop to the Consummation of this intended Marriage.

And this we do the more importunately desire, because we have not as yet the happiness to see any Issue of your Majesty that may succeed in the Government of these Kingdoms, which Blessing we most heartily pray Almighty God in his due time to bestow upon your Majesty and these Kingdoms, to the unspeakable Joy and Comfort of all your Majesties Loyal Subjects, who desire nothing more than to continue under the Reigns of your Majesty, and your Royal Posterity for ever.

Whereunto His Majesty returned this Answer; That he would consider thereof, and give a speedy Answer thereunto: But instead of an Answer, he the next day prorogued the Parliament to the 7th of January following; but first spake to them in this manner.

My Lords and Gentlemen,

I need not tell you how unwillingly I call you hither at this time, being enough sensible what Advantages my Enemies both abroad and at home will reap by the least appearance of a difference between me and my Parliament; nay, being assured they expect more Success from such a Breach (could they procure it) than from their Arms.

This, I say, shall (while I live) be my chief endeavour to prevent; and for that reason I think it necessary to make a short Recess, that all good men may recollect themselves against the next Meeting, and consider, whether the present posture of Affairs will not rather require their Applications to matters of Religion, and Support against our only Competitors at Sea, than to things of less Importance; and in the mean while, I will not be wanting to let all my Subjects see, that no care can be greater than my own, in the effectual suppressing of Popery: And it shall be your Faults, if in your several Countries the Laws be not effectually executed against the Growth of it.

I will not be idle neither in some things which may add to your Satisfaction, and then I shall expect a suitable Return from you.

You see here His Majesty's unwillingness to part without Money, and also to leave the French, his trusty Friends; all your Grievances must be for this Postpon'd: Those are but Trifles, if difference arise, 'tis your faults that do insist on things of small importance; therefore recollect your selves, that is, resolve, That delenda est Carthago, and to advance the French Interest, that there be no needs of Parliaments: Religion is concerned it seems (but which we know not) and Reformation promised, such as will make us all his Debtors.

A LETTER

A
L E T T E R

From a Person of QUALITY, to His Friend in the
COUNTRY.

S I R,

THis Session being ended, and the Bill of *Test* being finished at the Committee of the whole House, I can now give you a perfect Account of this *State Master-piece*. It was first hatch'd (as almost all the Mischiefs of the World had hitherto been) amongst the *Great Church-men*, and is a Project of several years standing, but found not Ministers bold enough to go through with it, until these *new Ones*, who wanting a better Bottom to support them, betook themselves wholly to this, which is no small Undertaking, if you consider it in its whole Extent.

First, To make a distinct Party from the rest of the Nation of the high Episcopal Man, and the old Cavalier, who are to swallow the hopes of enjoying all the Power and Office of the Kingdom, being also tempted by the Advantage they may receive from overthrowing the *Act of Oblivion*, and not a little rejoycing to think how valiant they should prove, if they could get any to fight the old Quarrel over again, now they are possessed of the Arms, Forts, and Ammunition of the Nation.

Next they design to have the Government of the Church sworn to, as unalterable, and so tacitly own'd to be of *Divine Right*; which, tho inconsistent with the Oath of Supremacy, yet the Church-men easily break through all Obligations whatsoever, to attain this station; the advantage of which, the Prelate of Rome hath sufficiently taught the World.

Then in requital to the Crown, they declare the Government *Absolute* and *Arbitrary*, and allow Monarchy, as well as Episcopacy, to be *Jure Divino*, and not to be bounded or limited by human Laws.

And to secure all this, they resolve to take away the Power and Opportunity of *Parliament*: to alter any thing in Church or State, only leave them as an Instrument to raise Money, and to pass such Laws as the Court and Church shall have a mind to: The Attempt of any other, how necessary soever, must be no less a Crime than *Perjury*.

And, as the Top-stone of the whole Fabrick, a Pretence shall be taken from the Jealousies they themselves have raised, and a real necessity from the smallness of their Party, to increase and keep up a standing Army; and then in due time the Cavalier and Church-man will be made greater *Fools*, but as errant *Slaves* as the rest of the Nation.

In order to this, the first step was made in the *Act for Regulating Corporations*; wisely beginning that in those lesser Governments, which they meant afterwards to introduce upon the Government of the Nation; and making them swear to a Declaration and Belief of such Propositions as they themselves afterwards upon debate were enforced to alter, and could not justify in those words; so that many of the wealthiest, worthiest, and soberest Men are still kept out of the Magistracy of those places.

The next step was in the *Act of Militia*, which went for most of the chiefest Nobility and Gentry, being obliged as Lord Lieutenants, Deputy-Lieutenants, &c. to swear to the same Declaration and Belief, with the addition only of these words, *In pursuance of such Military Commissions*; which makes the matter rather worse than better: Yet this went down smoothly, as an Oath in fashion, a Testimony of Loyalty; and none adventuring freely to debate the matter, the Humour of the Age, like a strong Tide, carries wise and good men down before it. This *Act* is of a piece, for it establisheth a *standing Army* by a Law, and swears us into a *Military Government*.

Immediately after this, followeth the *Act of Uniformity*, by which all the Clergy of *England* are obliged to subscribe and declare what the Corporations, Nobility and Gentry had before sworn; but with this additional Clause of the *Militia Act* omitted. This the Clergy readily complied with; for you know that sort of men are taught rather to obey than understand, and to use that Learning they have, to justify, not to examine what their Superiors command: And yet that *Bartholomew-day* was fatal to our Church and Religion, and throwing out

a very great number of *Worthy, Learned, Pious and Orthodox Divines*, who could not come up to this, and other things in that Act: And it is an Oath upon this occasion worth your knowledge, that so great was the Zeal in carrying on this Church-Affair, and so blind was the Obedience required, that if you compute the time of passing this Act, with the time allowed for the Clergy to subscribe the Book of *Common-Prayer* thereby establish'd, you shall plainly find it could not be Printed and distributed so as one man in forty could have seen and read the Book they did so perfectly assent and consent to.

But this matter was not compleat until the *Five-mile Act* passed at *Oxford*, wherein they take an opportunity to introduce the Oath in the terms they would have it: This was then strongly opposed by the Lord Treasurer *Southampton*, Lord *Wharton*, Lord *Ashley*, and others, not only in the concern of those poor Ministers that were so severely handled, but as it was in it self a most unlawful and unjustifiable Oath; however, the Zeal of that time against all *Nonconformists*, easily passed the Act.

This Act was seconded the same Session at *Oxford*, by another Bill in the *House of Commons*, to have imposed that Oath on the whole Nation; and the Providence by which it was thrown out, was very remarkable: For Mr. *Peregrine Bertie* being newly chosen, was that morning introduced into the House by his Brother the now E. of *Lindsey*, and Sir *Tbo. Osborn*, now Lord Treasurer, who all three gave their Votes against that Bill; and the Numbers were so even upon that division, that their three Votes carried the Question against it.

Thus our Church became *Triumphant*, and continued so for divers years, the *Dissenting Protestant* being the only Enemy, and therefore only Persecuted, whilst the *Papists* remain'd undisturb'd, being by the Court thought Loyal, and by our great Bishops not dangerous, they differing only in *Doctrine and Fundamentals*; but as to the Government of the Church, that was in their Religion in their highest Exaltation.

This Dominion continued unto them, until the Lord *Clifford*, a man of a daring and ambitious Spirit, made his way to the chief Ministry of Affairs by other and far different measures, and took the opportunity of the War with *Holland*, the King was then engaged in, to propose the Declaration of Indulgence, that the Dissenters of all sorts, as well Protestants as Papists, might be at rest, and so a vast number of People not be made desperate at home, while the King was engaged with so Potent an Enemy abroad. This was no sooner propos'd, but the E. of *Shaftsbury*, a man as daring, but more able (tho of Principles and Interest diametrically opposite to the other) presently closed with it; and perhaps the opportunity I have had by my Conversation with them both, who were men of Diversion, and of free and open Discourses where they had a Confidence, may give you more light into both their Designs, and so by consequence the aims of their Parties, than you will have from any other hand. My Lord *Clifford* did in express terms tell me one day, in private Discourse, That the King, if he would be firm to himself, might settle what Religion he pleased, and carry the Government to what height he would; for if men were assured of the Liberty of their Consciences, and undisturbed in their Properties, able and upright Judges made in *Westminster-hall*, to judge the Causes of *Meum and Tuum*; and if, on the other hand, the Fort of *Tilbury* was finished to bridle the City, the Fort of *Plymouth* to secure the West, and Arms for 20000 in each of these, and in *Hull* for the Northern parts, with some addition which might be easily and undiscernably made to the Forces now on foot, there were none that would have either Will, Opportunity or Power to resist. But he added withal, He was so sincere in the maintenance of Property and Liberty of Conscience, that if he had his Will, tho he should introduce a Bishop of *Durham* (which was the Instance he then made, that See being then vacant) of another Religion, yet he would not disturb any of the Church beside, but suffer them to die away, and not by his Change (how hasty soever he was in it) overthrow either of these Principles, and therefore desired he might be thought an honest man, as to his part of the Declaration, for he meant it really. The L. *Shaftsbury* (with whom I had more freedom) I with great assurance asked, what he meant by the Declaration? for it seem'd to me (as I then told him) that it assumed a Power to repeal and suspend all our Laws, to destroy the Church, to overthrow the Protestant Religion, and to tolerate Popery. He reply'd, all angry, That he wonder'd at my Objection, there being not one of these in the Case; for the King assum'd no Power of repealing Laws, or suspending them, contrary to the Will of his Parliament, People; and not to argue with me at that time the Power of the King's Supremacy, which was of another nature than that he had in *Civils*, and had been exercised without exception in this very Case, by his Father, Grandfather, and Q. *Eliz.* under the Great Seal, to foreign Protestants, become Subjects of England; nor to instance in the suspending the execution of the two Acts of Navigation and Trade, during both this and the last Dutch War, in the same words, and upon the same necessity, and as yet without clamor that ever we heard; but to pass by all that, this is certain, a Government could not be supposed, whether Monarchical, or of any other sort, without a standing Supreme Executive Power, fully enabled to mitigate, or wholly to suspend the execution of any Penal Law, in the intervals of the Legislative Power; which when assembled, there was no doubt but where-ever there lies a Negative in passing of a Law, there the Address or Sense known of either of them to the contrary (as for instance of either of our two Houses of Parliament in England) ought to determin that Indulgence, and restore the Law to its full execution: For without this, the Laws were to no purpose made, if the Prince could annul them at pleasure; and

so on the other hand, without a Power always in being of dispensing upon occasion, was to suppose a Constitution extremely imperfect and unpracticable; and to cure those with a Legislative Power always in being, is, when consider'd, no other than a perfect Tyranny. As to the Church, he conceived the Declaration was extremely their Interest; for the narrow bottom they had placed themselves upon, and the Measures they had proceeded by so contrary to the Properties and Liberties of the Nation, must needs in short time prove fatal to them; whereas this led them into another way, to live peaceably with the dissenting and differing Protestants, both at home and abroad, and so by necessary and unavoidable Consequences to become the Head of them all; for that place is due to the Church of England, being in favour, and of nearest approach to the most powerful Prince of that Religion, and so always had it in their hands to be the Intercessors and Procurers of the greatest Good and Protection that Party throughout all Christendom can receive. And thus the A. B. of Canterbury might become not only alterius Orbis, but alterius Regionis Papa, and all this addition of Honor and Power attain'd without the least loss or diminution of the Church; it not being intended that one Living, Dignity or Preferment should be given to any but those that were strictly Conformable. As to the Protestant Religion, he told me plainly, It was for the preserving of that, and that only, that he heartily joyned in the Declaration; for besides that he thought it his Duty to have care in his Place and Station of those he was convinced were the people of God, and feared him, tho of different Persuasions; he also knew nothing else but Liberty and Indulgence that could possibly (as our Case stood) secure the Protestant Religion in England; and he begg'd me to consider, if the Church of England should attain to a rigid, blind, and undisputed Conformity, and that Power of our Church should come into the hands of a Bishop Prince, which was not a thing so impossible or remote, as not to be apprehended; whether in such a case, would not all the Arms and Artillery, and Government of the Church, be turned against the present Religion of it? And should not all good Protestants tremble to think what Bishops such a Prince was like to make, and whom those Bishops would condemn for Heretics, and that Prince might burn? Whereas if this, which is now but a Declaration, might ever by the expedience of it gain the advantage of becoming an established Law, the true Protestant Religion would still be kept up amongst the Cities, Towns, and Trading places, and the worthiest and soberest (if not the greatest) part of the Nobility, Gentry, and People. As for the Toleration of Popery, he said, It was a pleasant Objection, since he could confidently say that the Papists had no advantage in the least by this Declaration, that they did not as fully enjoy, and with less noise, by the favour of all the Bishops. It was the Unity of the L. Keeper that they were named at all, for the whole advantage was to the dissenting Protestants, which were the only men disturb'd before; and yet he confess to me, that it was his Opinion, and always had been, that the Papists ought to have no other pressure laid upon them, but to be made incapable of Office, Court, or Arms, and to pay so much as might bring them at least to balance with the Protestants for those chargeable Offices they are liable unto; and concluded with this, That he desired me seriously to weigh, whether Liberty and Property were likely to be maintained long in a Country like ours, where Trade is so absolutely necessary to the very Being as well as Prosperity of it; and in this Age of the World, if Articles of Faith and Matters of Religion should become the only accessible ways to our Civil Rights.

Thus, Sir, you have perhaps a better account of the Declaration, than you can receive from any other hand, and I could have wish'd it a longer continuance, and better reception than it had; for the Bishop took so great an offence at it, that they gave the alarm of Popery through the whole Nation, and by their Emisaries the Clergy (who by the connexure and subordination of their Government, and their being posted in every Parish, have the advantage of a quick dispersing their Orders, and a sudden and universal insinuation of whatever they please) rais'd such a cry, that those good and sober men who had really long feared the increase and continuance of Popery had hitherto received, began to believe the Bishop were in earnest, their eyes opened, tho late, and therefore joined heartily with them; so that at the next meeting of Parliament the Protestant Interest was run so high, as an Act came up from the Commons to the H. of Lords in favour of the dissenting Protestants, and had pass'd the Lords, but for want of time. Besides another excellent Act pass'd the Royal Assent for the Excluding all Papists from Office, in the opposition of which the L. Treasurer Clifford fell, and yet to prevent his Ruin this Session had the speedier end. Notwithstanding, the Bishops attain'd their Ends, the Declaration being cancell'd, and the Great Seal being broken off from it, the Parliament having pass'd no Act in favour of the Dissenters, and yet the sense of both Houses sufficiently declar'd against all the Indulgence but by Act of Parliament. Having got this Point, they us'd it at first with seeming moderation; there were no general Directions given for persecuting the Nonconformists, but here and there some of the most consider'd Justices were made use of to try how they could receive the Old Persecution, for as yet the Zeal rais'd against the Papists was so great, that the worthiest and soberest of the Episcopal Party thought it necessary to unite with the Dissenting Protestants, and not to divide their Party, when all their Forces were little enough: In this posture the Sessions of Parliament that began Octob. 27. 1673. found Matters, which being suddenly broken up, did nothing.

The next Sessions, which began Jan. 7. following, the Bps. continued their Zeal against the Papists, and seem'd to carry on, in joining with the Country Lords, many excellent Votes in order to a Bill; as in particular, That the Princes of the Blood-Royal should only Marry Protestants, and

and many others; but their favour to dissenting Protestants was gone, and they attempted a Bargain with the Country Lords, with whom they then joyned, not to promote any thing of that nature, except the Bill for taking away Assent and Consent, and renouncing the Covenant.

This Session was no sooner ended without doing any thing, but the whole Clergy were instructed to declare that there was now no more danger of the Papists: The Phanatick (for so they call the dissenting Protestant) is again become the only dangerous Enemy; and the Bishops had found a Scotch Lord, and two new Ministers, or rather great Officers of England, who were desperate and rash enough to put their Masters business upon so narrow and weak a bottom: and that old Covenanter Lauderdale is become the Patron of the Church, and has his Coach and Table fill'd with that Party. The Keeper and—are of a just size to this Affair; for it is a certain Rule with the Church-men to endure (as seldom as they can) in business, Men abler than themselves. But his Grace of Scotland was least to be excused of the three, for having fallen from Presbytery, Protestant Religion, and all Principles of Publick Good and private Friendship, and become the Slave of Clifford, to carry on the Ruin of all he had professed to support, does now also quit even Clifford's generous Principles, and betake himself to a sort of men, that never forgive any man the having once been in the right, and such men who would do the worst of things by the worst of means; enslave their Country, and betray them, under the Mask of Religion, which they have publick Pay for, and the Charge of, so *stealing the Kid in the Morbers Milk*. Our Statesmen and Bishops being now as well agreed as in old *Laud's* time, on the same Principles, with the same Passion, to attain their End, they in the first place gave Orders to the Judges in all their Circuits to quicken the execution of the Laws against Dissenters, a new Declaration is publish'd directly contrary to the former, most in words against the Papists, but in the sense, and in the close, did fully serve against both, and in the execution it was plain who were meant. A Commission besides comes down, directed to the principal Gentlemen of each County, to seize the Estates of both Papists and Phanaticks, mentioned in a List annexed, wherein, by great misfortune or skill, the Names of Papists of best Quality and Fortune (and so best known) were mistaken, and the Commission render'd ineffectual as to them.

Besides this, the great Ministers of State did in their common publick Talk assure the Party, that all the Places of Profit, Command and Trust, should only be given to the old Cavalier; no man that had served, or been of the contrary Party, should be left in any of them: And a Direction is issued to the Great Ministers before mentioned, and six or seven of the Bishops, to meet at Lambeth-house, who were, like the Lords of the Articles in Scotland, to prepare their complete Model for the ensuing Session of Parliament.

And now comes this memorable Session of April 13. 75. than which never any came with more expectation of the Court, or dread and apprehension of the People; the Officers, Court-Lords and Bishops were clearly the major Vote in the Lords House; and they assured themselves to have the Commons as much at their dispose, when they reckon'd the number of the Courtiers, Officers, Pensioners, increased by the addition of the Church and Cavalier Party, besides the Address they made to Men of the best Quality there, by hopes of Honour, great Employment, and such things as would take. In a word, the French King's Ministers, who are the great Chapmen of the World, did not out-do ours at this time, and yet the over-ruling hand of God has blown upon their Politicks, and the Nation is escaped this Session, like a Bird out of the Snare of the Fowler.

In this Session the Bishops wholly laid aside their Zeal against Popery. The Committee of the whole House for Religion, which the Country Lords had caused to be set up, again by the example of the former Sessions, could hardly get, at any time, a day appointed for their Sitting; and the main thing design'd for a Bill voted in the former Session, viz. the marrying our Prince to none but Protestants, was rejected, and carried in the Negative by the unanimous Votes of the Bishops Bench; yet the Lay Lords, not understanding from how excellent a Principle this proceeded, commonly call'd them for that reason *the dead Weight*; and they really proved so in the following business; for the third day of this Session, this Bill of the Test was brought into the Lords House by the Earl of L. L. C. a Person of great Quality, but in this imposed upon, and received its first Reading, and appointment for the second, without much opposition, the Country Lords being desirous to observe what weight they put upon it, or how they designed to manage it.

At the second Reading, the L. Keeper and some other of the Court-Lords recommended the Bill to the House in set and elaborate Speeches, the Keeper calling it, *A moderate security to the Church and Crown*; and that no honest man could refuse it, and whosoever did, gave great suspicion of dangerous and Antimonarchical Principles; the other Lords declaim very much upon the Rebellion of the late Times, the great number of Phanaticks, the dangerous Principles of Rebellion still remaining; carrying the Discourse on, as if they meant to trample down the Act of Oblivion, and all those whose Securities depended on it. But the E. of Shaftsbury, and some other of the Country Lords, earnestly press'd that the Bill might be laid aside, and that they might not be engag'd in the debate of it; or else that the freedom they should be forc'd to use in the necessary defence of their Opinion, and the preserving of their Laws, Rights, and

Liberties, which this Bill would overthrow, might not be misconstrued: For there are many things that must be spoken upon the Debate, both concerning Church and State, that it was well known they had no mind to hear. Notwithstanding this, the great Officers and Bishops called out for the Question of referring the Bill to a Committee; but the Earl of Shaftsbury, a Man of great Abilities and Knowledge in Affairs, and one that in all these variety of changes of this last Age, was never known to be either bought or frighted out of his publick Principles, at large opened the mischievous, and ill designs, and consequences of the Bill, which as it was brought in, required all Officers of Church and State, and all of Members of both Houses of Parliament, to take this Oath following.

I A. B. do declare, that it is not Lawful, upon any pretence whatsoever, to take up Arms against the King; and that I do abhor that Traiterous Position of taking Arms by His Authority, against His Person, or against those that are commission'd by Him in pursuance of such Commission: And I do swear, that I will not at any time endeavour the Alteration of the Government, either in Church or State: So help me God. The Earl of Shaftsbury and other Lords spake with such convincing Reason, that all the Lords, who were at liberty from Court-Engagements, resolved to oppose to the uttermost, a Bill of so dangerous consequence; and the Debate lasted five several days before it was committed to a Committee of the whole House, which hardly ever happened to any Bill before. All this and the following Debates, were managed chiefly by the Lords, whose Names you will find to the following Protestations; the First whereof was as followeth.

We, whose Names are under-written, being Peers of this Realm, do, according to our Rights, and the ancient Usage of Parliaments, declare, that the Question having been put whether the Bill (Entituled, An Act to prevent the dangers which may arise from Persons disaffected to the Government) doth so far intrench upon the Privileges of this House, that it ought therefore to be cast out: It being resolved in the Negative, We do humbly conceive, that any Bill which imposeth an Oath upon the Peers with a Penalty, as this doth, that upon the refusal of that Oath, They shall be made incapable of Sitting and Voting in this House; as it is a thing unprecedented in former Times, so is it, in our humble Opinion, the highest Invasion of the Liberties and Privileges of the Peerage that possibly may be, and most destructive of the Freedom which they ought to enjoy as Members of Parliament, because the Privileges of Sitting and Voting in Parliament is an Honour they have by Birth, and a Right so inherent in them, and inseparable from them, as that nothing can take it away, but what by the Law of the Land, must withal take away their Lives, and corrupt their Blood; upon which ground we do here enter our Dissent from that Vote, and our Protestation against it.

Buckingham	Alisbury	Howard E. of Berks	Shaftsbury
Bridgwater	Bristol	Mohun	Clarendon
Winchester	Denbigh	Stamford	Grey Roll.
Salisbury	Pagitt	Hallifax	Say & Seal
Bedford	Hollis	De la Mer	Wharton.
Dorset	Peter	Eure	

The next Protestation was against the Vote of committing the Bill, in the words following:

The Question being put, whether the Bill, Entituled, an Act to prevent the Dangers which may arise from Persons disaffected to the Government, should be committed; It being carried in the Affirmative, and We, after several days debate, being in no measure satisfied, but still apprehending that this Bill doth not only subvert the Privileges and Birth-right of the Peers, by imposing an Oath upon them, with the Penalty of losing their Places in Parliament, but also, as We humbly conceive, strike at the very Root of Government; it being necessary to all Governments to have freedom of Votes and Debates in those who have power to alter and make Laws; and besides, the express words of this Bill, obliging every Man to abjure all Endeavours to alter the Government in the Church, without regard to any thing that Rules of Prudence in the Government, or Christian Compassion to Protestant Dissenters, or the Necessity of Affairs at any time, shall or may require. Upon these Considerations, We humbly conceive it to be of dangerous consequence to have any Bill of this Nature so much as Committed, and do enter our Dissent from that Vote, and Protestation against it.

Buckingham	Bristol	Shaftsbury
Winton	Howard of Berks	Wharton
Salisbury	Clarendon	Mohun
Denbigh	Stamford	De la Mer.

Which Protestation was no sooner entred and subscribed the next day, but the great Officers and Bishops raised a storm against the Lords that had subscrib'd it; endeavouring not only some severe proceedings against their Persons, if they had found the House would have born it, but also to have taken away the very liberty of entering Protestations with Reasons; but that

was defended with so great Ability, Learning, and Reason by the L. *Hollis*, that they quitted the Attempt, and the Debate ran for some hours either wholly to raze the Protestation out of the Books, or at least some part of it, the Expression of *Christian compassion to Protestant Dissenters* being that which gave them most offence; but both these ways were so disagreeable to the Honour and Privilege of the House, and the latter to common Sense and Right, that they despaired of carrying it, and contented themselves with having voted, *That the Reasons given in the said Protestation did reflect upon the Honour of the House, and were of dangerous consequence.* And I cannot hear forbear to mention the *Worth and Honour of that Noble Lord Hollis*, suitable to all his former Life, That whilst the Debate was at the height, and the *Protesting Lords* in danger of the *Tower*, he begg'd the House to give him leave to put his Name to that *Protest*, and take his Fortune with those Lords, because his Sickness had forced him out of the House the day before; so that not being at the Question, he could not by the Rules of the House, Sign it. This Vote against those twelve Lords began the next day this following Protestation, signed by 21.

Whereas it is the undoubted Privilege of each Peer in Parliament, when a Question is past contrary to his Vote and Judgment, to enter his Protestation against it, and that in pursuance thereof, the Bill, Entituled, An Act to prevent the Dangers which may arise from Persons disaffected to the Government, being conceived by some Lords to be of so dangerous a Nature, as that it was not fit to receive the countenance of a Commitment; those Lords did protest against the Commitment of the said Bill; and the House having taken exceptions at some expressions in their Protestation, those Lords who were present at the Debate, did all of them severally and voluntarily declare, That they had no intention to reflect upon any Member, much less upon the whole House, which, as it humbly conceived, was more than in strictness did consist with that absolute freedom of Protesting, which is inseparable from every Member of this House, and was done by them merely out of their great Respect to the House, and their earnest desire to give all satisfaction concerning themselves, and the clearness of their intentions: yet the House not satisfied with this their Declaration, but proceeding to a Vote, That the Reasons given in the said Protestation do reflect upon the Honour of the House, and are of dangerous consequence; which is in our humble Opinion, a great discountenancing of the very liberty of Protesting. We, whose Names are under written, conceive our selves, and the whole House of Peers, extremely concerned that this great Wound should be given (as we humbly apprehend) to so essential a Privilege of the whole Peerage of this Realm, as their liberty of Protesting; do now (according to our unquestionable Right) make use of the same liberty to enter this our Dissent from, and protestation against the said Vote,

<i>Bucks</i>	<i>Denbigh</i>	<i>Hallifax</i>	<i>Hollis</i>
<i>Winton</i>	<i>Berks</i>	<i>Audley</i>	<i>De la Mer</i>
<i>Bedford</i>	<i>Clarendon</i>	<i>Fitzwater</i>	<i>Grey Roll:</i>
<i>Dorset</i>	<i>Aylisbury</i>	<i>Eare</i>	
<i>Salisbury</i>	<i>Shaftsbury</i>	<i>Wharton</i>	
<i>Bridgewater</i>	<i>Say and Seal</i>	<i>Mobun</i>	

After this Bill being committed to a Committee of the whole House, the first thing insisted upon by the Lords against the Bill, was, that there ought to be passed some previous Votes to secure the Rights of Peerage and Privilege of Parliament, before they entered upon the debate or amendments of such a Bill as this; and at last two previous Votes were obtained, which I need not here set down, because the next Protestation hath them both in terminis.

Whereas upon the debate on the Bill, Entituled, *An Act to prevent the Dangers which may arise from Persons disaffected to the Government*, It was ordered by the House of Peers the 30th. of April last, That no Oath should be imposed by any Bill, or otherwise, upon the Peers, with a Penalty, in case of Refusal, to lose their Places, or Votes in Parliament, or liberty to debate therein; and whereas also, upon debate of the same, it was ordered the Third of this instant May, that there shall be nothing in this Bill, which shall extend to deprive either of the Houses of Parliament, or any of their Members, of their just, ancient Freedom and Privilege of debating any Matter or Business which shall be propounded or debated in either of the said Houses, or at any Conference or Committee of both, or either of the said Houses of Parliament; or touching the Repeal, or Alteration of any old, or preparing any new Laws, or the redressing any Publick Grievance; but that the said Members of either of the said Houses, and the Assistants of the House of Peers, and every of them, shall have the same freedom of Speech, and all other Privileges whatsoever, as they had before the making of this Act. Both which Orders were passed as Previous Directions unto the Committee of the whole House, to whom the said Bill was committed, to the end that nothing should remain in the said Bill, which might any ways tend towards the depriving of either of the Houses of Parliament, or any of their Members, of their ancient freedom of Debates, or Votes, or other their Privileges whatsoever. Yet the House being pleased, upon the Report from the Committee, to pass a Vote, That all Persons who have, or shall have Right to Sit and Vote in either House of Parliament, should be added to the first enacted Clause in the said Bill, where-

whereby an Oath is to be imposed upon them as Members of either House, which Vote *We whose Names under written, being Peers of the Realm, do humbly conceive, is not agreeable to the said two previous Orders*; and it having been humbly offered and insisted upon by divers of us, that the *Proviso* in the late Act Entitled, *An Act for preventing Dangers that may happen from Popish Recusants*, might be added to the Bill depending, whereby the Peerage of every Peer of this Realm, and all their Privileges, might be preserved in this Bill, as fully as in the said late Act: Yet the House not pleasing to admit of the said *Proviso*, but proceeding to the passing of the said Vote, *We do humbly upon the grounds aforesaid, and according to our undoubted Right, enter this our Dissent from, and Protestation against the same*:

Bucks,	Berks,	Denbigh,	Eure,
Bedford,	Bridgewater,	Dorset,	De la Mer,
Winton,	Stamford,	Shaftsbury,	Pagitt,
Salisbury,	Clarendon,	Wharton,	Mobun.

This was their last Protestation; for after this, they alter'd their Method, and reported not the Votes of the Committee, and parts of the Bill to the House, as they past them, but took the same order as is observed in other Bills, not to report unto the House, until they had gone through with the Bill, and so report all the Amendments together. This they thought a way of more Dispatch, and which did prevent all Protestations, until it came to the House; for the Votes of a Committee, tho' of the whole House, are not thought of that weight, as that there should be allow'd the entering a Dissent of them, or Protestation against them.

The Bill being read over at the Committee, the Lord Keeper objected against the form of it, and desired that he might put it in another Method; which was easily allow'd him, that being not the Dispute. But it was observable the Hand of God was upon them in this whole Affair; their Chariot-wheels were taken off, they drew heavily: a Bill so long design'd, prepar'd, and of that Moment to all their Affairs, had hardly a sensible Composure.

The first part of the Bill that was fallen upon, was, whether there should be an Oath at all in the Bill; and this was the only Part the Court-Party defended with Reason: For the whole Bill being to enjoin an Oath, the House might reject it, but the Committee was not to destroy it. Yet the Lord *Hallifax* did with that Quickness, Learning, and Elegance, which are inseparable from all his Discourses, make appear, That as *there really was no Security to any State by Oaths*, so also no private Person, much less States-man, would ever order his Affairs as relying on it, no Man would ever sleep with open Doors, or unlockt-up Treasure or Plate, should all the Town be sworn not to Rob: So that the use of multiplying Oaths, had been most commonly to exclude or disturb some honest conscientious Men, who would never have prejudiced the Government. It was also insisted on by that Lord and others, that the Oath imposed by the Bill, contained three Clauses; the two former Assertory, and the last Promissory; and that it was worthy the consideration of the Bishops, Whether *Assertory Oaths*, which were properly appointed to give Testimony of a Matter of Fact, whereof a Man is capable to be fully assured by the Evidence of his Senses, be lawfully to be made use of to confirm or invalidate Doctrinal Propositions; and whether that Legislative Power, which imposes such an Oath, doth not necessarily assume to it self an Infallibility? And, as for *Promissory Oaths*, it was desired that those Learned Prelates would consider the Opinion of *Gravina de Jure Belli & Pacis*, lib. 2. cap. 13. who seems to make it plain, that those kind of Oaths are forbidden by our Saviour Christ, Mat. 5. 34, 37. and whether it would not become the Fathers of the Church, when they have well weigh'd that and other places of the *New Testament*, to be more tender in multiplying Oaths, than hitherto the great Men of the Church have been? But the B. carried the point, and an Oath was ordered by the major Vote.

The next thing in Consideration, was about the Persons that should be enjoined to take this Oath; and those were to be all *such as enjoyed any beneficial Office or Employment, Ecclesiastical, Civil, or Military*; and no farther went the Debate for some hours, until at last the Lord Keeper rises up, and with an eloquent Oration, desires to add *Privy Counsellors, Justices of the Peace, and Members of both Houses*; the two former particularly mentioned only to usher in the latter, which was so directly against the two previous Votes; the first of which was enroll'd amongst the standing Orders of the House, that it wanted a Man of no less assurance in his Eloquence to propose it; and he was driven hard, when he was forced to tell the House, that they were *Masters of their own Orders*, and Interpretation of them.

The next consideration at the Committee, was the Oath it self; and it was desired by the Country-Lords that it might be clearly known, whether it were meant all for an Oath, or some of it for a Declaration, and some an Oath? If the latter, then it was desired it might be distinctly parted, and that the Declaratory part should be subscribed by it self, and not sworn. There was no small pains taken by the Ld. Keeper and that Party, to prove that it was brought in; the two first parts were only a Declaration and not an Oath: And tho' it was replied, That to declare upon ones Oath, or to abhor upon ones Oath, is the same thing with, *I do swear*; yet there was some difficulty to obtain the dividing of them, and that the Declaratory part should be only subscribed, and the rest sworn to.

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The Persons being determin'd, and this Division agreed to, the next thing was the parts of the Declaration; wherein the first was, *I A. B. do declare, That it is not lawful upon any pretence whatsoever, to take up Arms against the King.* This was liable to great Objections; for it was said, it might introduce a great change of the Government, to oblige all the Men in great Trust in England, to declare that exact Boundary and Extent of the Oath of Allegiance, and enforce some things to be stated, that are much better involv'd in Generals, and peradventure are not capable of another way of Expression, without great wrong on the one side or the other. There is Law of 25 Edw. 3. That Arms shall not be taken up against the King, and that it is Treason to do so; and it is a very just and reasonable Law: But it is an idle Question at best, to ask whether Arms in any case can be taken up against a lawful Prince, because it necessarily brings in the Debate in every Man's mind, how there can be a distinction then left between absolute and bounded Monarchies, if Monarchs have only the fear of God, and no fear of humane Resistance to restrain them. And it was further urged, That if the chance of humane Affairs in future Ages, should give the French King a just Title and Investiture in the Crown of England, and he should avowedly own a Design by force to change the Religion, and make his Government here as Absolute as in France, by the extirpation of the Nobility, Gentry, and principal Citizens of the Protestant Party, whether in such, or like Cases, this Declaration will be a Service to the Government, as it is now establish'd: Nay, and it was further said, that they overthrow the Government that suppose to place any part of it above the fear of Man: For in our English Government, and all bounded Monarchies, where the Prince is not absolute, there every individual Subject is under the fear of the King and his People, either for breaking the Peace, or disturbing the common Interest that every Man hath in it; or if he invades the Person or Right of his Prince, he invades his whole People, who have bound up in him, and derive from him, all their Liberty, Property, and Safety: As also the Prince himself is under the fear of breaking that Golden Chain and Connexure betwixt him and his People, by making his Interest contrary to that they justly and rightly claim: And therefore neither our Ancestors, nor any other Country free like ours, whilst they preserv'd their Liberties, did ever suffer any mercenary or standing Guards to their Prince, but took care that his safety should be in Them, as theirs was in him. Tho' these were the Objections to this Head, yet they were but lightly touch'd, and not fully insisted upon, until the debate of the second Head, where the scope of the Design was open'd clearer, and more distinct to every Man's capacity.

The second was, *And that I do abhor that traiterous Position of taking Arms by his Authority, against his Person.* To this was objected, That if this be meant an Explanation of the Oath of Allegiance, to leave Men without pretence to oppose where the individual Person of the King is, then it was to be considered, that the Position as it is here set down, is universal; and yet in most cases, the Position is not to be abhorred by honest or wise Men: For there is but one Case, and that never like to happen again, where this Position is in danger to be traiterous, which was the Case of the Long Parliament, made perpetual by the King's own Act, by which the Government was perfectly altered, and made inconsistent with it self; but it is to be supposed the Crown hath sufficient warning, and full power to prevent the falling again into that danger. But the other Cases are many, and such as may every day occur, wherein this Position is so far from traiterous, that it would prove both necessary and our duty. The famous Instance of Hen. 6. who being a soft and weak Prince, when taken Prisoner by his Cousin Edward 4. that pretended to the Crown, and the great Earl of Warwick, was carried in their Armies, gave what Orders and Commissions they pleased, and yet all those that were Loyal to him, adhered to his Wife and Son, fought in a pitched Battel against him in person, and retook him: This was directly taking up Arms by his Authority against his Person, and against those that were commission'd by him; and yet to this day no Man hath ever blam'd them, or thought but that if they had done otherwise, they had betray'd their Prince. The great Case of Charles the Sixth of France, who being of a weak and crazy Brain, yet govern'd by himself, or rather by his Wife, a Woman of passionate and heady Humour, that hated her Son the Dauphin, a vigorous and brave Prince, and passionately loved her Daughter; so that she easily (being pressed by the Victory of Henry the 5th of England) comply'd to settle the Crown of France upon him, to Marry her Daughter to him, and own his Right, contrary to the Salique Law. This was directly opposed with Arms and Force by the Dauphin, and all good French-men, even in his Father's life-time. A third instance is that of King James of blessed Memory, who when he was a Child, was seized and taken Prisoner by those, who were justly thought no Friends to his Crown or Safety; and if the case should be put, that a future King of England, of the same temper with Hen. 6. or Cha. 6. of France, should be taken Prisoner by Spaniards, Dutch, or French, whose over-growing Power should give them thoughts of vast Empire, and should, with the Person and Commission of the King invade England for a Conquest, Were it not suitable to our Loyalty to join with the Son of that King, for the defence of his Father's Crown and Dignity, even against his Person and Commission? In all these and the like Cases, it was not justified, but that the strict Letter of the Law might be otherwise construed; and when wisely considered, fit

There was a passage of the very greatest Observation in the whole Debate, and which with most clearness shew'd what the great Men and Bishops aimed at, and should in Order have come in before, but that it deserved so particular a consideration, that I thought best to place it here by it self; which was, that upon passing of the Proviso for preserving the Rights and Privileges of Parliaments made out of the Previous Votes, it was excellently observ'd by the Earl of *Bullingbrook*, a Man of great Ability and Learning in the Laws of the Land, and perfectly stedfast in all good *English* Principles, that *that Proviso did preserve the freedom of Debates and Votes in Parliament, yet the Oath remain'd, notwithstanding that Proviso*, upon all Men, that shall take it as a prohibition, either by Speech, or Writing, or Address, to endeavour any alteration in Religion, Church, or State; nay, also upon the *Members of both Houses* otherwise than as they speak and vote in open Parliaments or Committees: For this Oath takes away all *private Converse* upon any such Affairs even one with another. This was seconded by the Lord *De la Mere*, whose Name is well known, as also his Worth, Piety, and Learning; I should mention his Merits too, but I know not whether that be lawful, they lying yet unrewarded. The Lord *Shaftsbury* presently drew up some words for preserving the same Rights, Privileges, and Freedoms, which Men now enjoy by the Laws established, that so by a side-wind we may not be deprived of the great Liberty we enjoy as *English-men*, and desired those words might be inserted in that Proviso before it past. This was seconded by many of the formentioned Lords, and prest upon those terms, that they desired not to countenance, or make in the least degree any thing Lawful, that was not already so, but that they may not be deprived by this dark way of proceeding of that Liberty was necessary to them as Men, and without which Parliaments would be rendred useles. Upon this all the great Officers shew'd themselves; nay, the Duke of *Lauderdale* himself, tho' under the load of two Addressies, opened his Mouth, and together with the Lord Keeper, and the Lord Treasurer, told the Committee in plain terms, that they intended, and design'd to prevent Caballing, and Conspiracies against the Government; that they knew no Reason why any of the King's Officers should consult with Parliament Men about Parliament business, and particularly mention'd those of the Army, Treasury, and Navy; and when it was objected to them, that the greatest part of the most knowing Gentry were either Justices of the Peace, or of the Militia, and that this took away all converse, or discourse of any alteration, which was in truth of any business in Parliament, and that the Officers of the Navy and Treasury might be best able to advise what should be fit in many cases; and that withal none of their Lordships did offer any thing to save the inconvenience of Parliament Men being deprived of discoursing one with another, upon the matters that were before them. Besides it must be again remembred, that nothing was herein desired to be countenanced, or made lawful, but to preserve that that is already Law, and avowedly justified by it; for without this addition to the Proviso, the Oath rendred Parliaments but a *Snare*, not a *Security*, to the People: Yet to all this was answered, sometimes with Passion and high Words, sometimes with Jest and Raillery, (the best they had) and at the last the major Vote answered all Objections, and laid aside the addition tendered.

There was another thing before the finishing of the Oath, which I shall here also mention, which was an *Additional Oath* tendered by the Marquess of *Winchester*, who ought to have been mentioned in the first and chiefest place, for his conduct and support in the whole Debate, being an expert Parliament Man, and one whose Quality, Parts, and Fortune, and owning of good Principles, concur to give him one of the greatest places in the esteem of good Men. The *Additional Oath* tendered, was as followeth: *I do swear, that I will never by Threats, Injunctions, Promises, Advantages, or Invitation, by or from any person whatsoever, nor from the hopes or prospect of any Gift, Place, Office, or Benefit whatsoever, give my Vote other than according to my Opinion and Conscience, as I shall be truly and really perswaded upon the Debate of any business in Parliament. So help me God.*

This Oath was offer'd upon the occasion of swearing Members of Parliament; and upon this score only, that if any new Oath was thought fit (which that Noble Lord declared his own Judgment perfectly against) this certainly was (all considerations and circumstances taken in) most necessary to be a part, and the nature of it was not so strange, if they considered the *Judges Oath*, which was not much different from this. To this the Lord Keeper seem'd very averse, and declared in a very fine Speech, that it was an *Useless Oath*; for all Gifts, Places, and Offices, were likeliest to come from the King, and no Member of Parliament in either House could do too much for the King, or be too much of his side; and that Men might lawfully, and worthily have in their Prospect such Offices or Benefits from him. With this the Lords against the Bill were in no terms satisfied, but plainly spoke out, *That Men had been, might, and were likely to be, in either House, too much for the King, as they call'd it*; and that whoever did endeavour to give more Power to the King than the Law and Constitution of the Government had given, especially if it tended to the introducing an *Absolute and Arbitrary Government*, might justly be said to do too much for the King, and to be corrupted

rupted in his judgment by the prospect of Advantages and Rewards; though, when it is considered that every deviation of the Crown towards Absolute Power, lessens the King in the love and affection of his People, making him become less their Interest, a wise Prince will not think it a Service done him.

And now remains only the last part of the Bill, which is the Penalty, different according to the qualifications of the Persons. *All that are, or shall be Privy-Counsellors, Justices of the Peace, or possessors of any beneficial Office, Ecclesiastical, Civil, or Military, are to take the Oath when summoned, upon pain of 500 l. and being made incapable of bearing Office; the Members of both Houses are not made incapable, but liable to the Penalty of 500 l. if they take it not.* Upon all which the considerations of the Debate were, That those Officers and Members of both Houses, are, of all the Nation, the most dangerous to be sworn into a mistake, or change of the Government; and that, as to the Members of both Houses, the Penalty of 500 l. was directly against the latter of the two Previous Votes; and although they had not applied the Penalty of Incapacity unto the Members of both Houses, because of the first Previous Vote in the Case of the Lords, neither durst they admit of a Proposition made by some of themselves, *that those that did not come up, and sit as Members, should be liable to the taking the Oath, or Penalty, until they did so.* Yet their Ends were not to be compassed without invading the latter Previous Vote, and contrary to the Rights and Privileges of Parliament, enforce them to swear, or pay 500 l. every Parliament; and this they carried through with so strong a Resolution, that having experienced their misfortunes in replies for several hours, not one of the party could be provoked to speak one word. Tho', besides the former Arguments, it was strongly urged, that this Oath ought to be put upon Officers with a heavier Penalty than the *Test* was in the Act of the immediate preceding Session against the *Papists*; by which any Man might sit down with the loss of his Office, without being in the danger of the penalty of 500 l. And also that this Act had a direct retrospect (which ought never to be in Penal Laws) for this Act punishes Men for having an Office without taking this Oath, which Office, before this Law pass, they may now lawfully enjoy without it. Yet notwithstanding it provides not a power, in many Cases, for them to part with it, before this Oath overtake them; for the clause, *whoever is in Office the 1. of September*, will not relieve a Justice of the Peace, who, being once Sworn, is not in his own power to be left out of Commission; and so might be instanced in several other cases, as also the Members of the House of Commons were not in their own power to be unchosen; and as to the Lords, they were subjected by it to the meanest condition of Mankind, if they could not enjoy their Birth-right, without playing Tricks suitable to the Humour of every Age, and be enforced to swear to every fancy of the present times. Three years ago it was *All Liberty and Indulgence*, and now it is *Strict and Rigid Conformity*; and what it may be in some short time hereafter, without the Spirit of Prophecy might be shrewdly guess'd by a considering Man. This being answered with silence, the Duke of Buckingham, whose Quality, admirable Wit, and unusual Pains that he took all along in the Debate against this Bill, makes me mention him in this last place, as General of the Party, and coming last out of the Field, made a Speech late at Night of Eloquent and well-placed Non-sense, shewing how excellently well he could do both ways, and hoping that might do, when Sense (which he often before used with the highest advantage of Wit and Reason) would not; but the Earl of W. readily apprehending the Dialect, in a short reply put an end to the Debate, and the major Vote *ultima ratio Senatum, & Conciliorum*, carried the Question as the Court and Bishops would have it.

This was the last Act of this Tragi-Comedy, which had taken up sixteen or seventeen whole days debate, the House sitting many times till Eight or Nine of the Clock at Night, and sometimes till Midnight; but the business of *Privilege* between the two Houses gave such an interruption, that this Bill was never reported from the Committee to the House.

I have mention'd to you divers Lords, that were Speakers, as it fell in the Debate, but I have not distributed the Arguments of the Debate to every particular Lord. Now you know the Speakers, your curiosity may be satisfied, and the Lords I am sure will not quarrel about the Division. I must not forget to mention those great Lords, *Bedford, Devonshire, and Burlington*, for the countenance and support they gave to the *English Interest*. The Earl of *Bedford* was so brave in it, that he joyn'd in three of the Protells; so also did the Earl of *Dorset*, and the Earl of *Stamford*, a Young Noble-Man of great hopes; the Lord *Euere*, the Lord *Viscount Say and Seal*, and the Lord *Pagitt* in two; the Lord *Audley* and the Lord *Fitzwater* in the third; and the Lord *Peter*, a Noble-man of great Estate, and always true to the maintenance of Liberty and Property, in the first. And I should not have omitted the Earl of *Dorset*, Lord *Audley*, and the Lord *Peter* amongst the Speakers: For I will assure you they did their parts excellently well. The Lord *Viscount Hereford* was a steady Man among the Country Lords; so also was the Lord *Townsend*, a Man justly of great Esteem and Power in his own Country, and amongst all those that well know him.

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The Earl of *Canarvan* ought not to be mention'd in the last place, for he came out of the Country on purpose to oppose the Bill, stuck very fast to the Country Party, and spoke many excellent things against it. I dare not mention the *Roman Catholick* Lords, and some others, for lest I hurt them; but thus much I shall say of the *Roman Catholick* Peers, that if they were safe in their Estates, and yet kept out of Office, their Votes in that House would not be the most unsafe to *England* of any sort of Men in it. As for the absent Lords, the Earl of *Rusland*, Lord *Sandys*, Lord *Herbert of Chisbury*, Lord *North*, and Lord *Crew*, ought to be mention'd with Honour, having taken care their Votes should maintain their own Interest and Opinions.

Thus, Sir, you see the Standard of the *new Party* is not yet set up, but must be the work of another Session, tho' it be admirable to me, how the *King* can be induced to venture his Affairs upon such *weak Counsels*, and of *so fatal Consequences*; for I believe it is the first time in the World, that ever it was thought advisable, after fifteen years of the highest Peace, Quiet, and Obedience, that ever was in any Country, that there should be a *presence* taken up, and a reviving of former miscarriages, especially after so many Promises and Declarations, as well as Acts of Oblivion, and so much merit of the Offending Party, in being the Instruments of the King's Happy Return, besides the putting so vast a number of the King's Subjects in utter despair of having their Crimes ever forgotten; and it must be a great mistake in Counsels, or worse, that there should be so much pains taken by the Court to debase and bring low the House of Peers, if a *Military Government* be not intended by some. For the Power of *Peerage* and a *standing-Army*, are like two Buckets, the proportion that one goes down, the other exactly goes up; and I refer you to the consideration of all the Histories of ours, or any of our Neighbour Northern Monarchies, whether standing Forces, Military, and Arbitrary Government came not plainly in by the same steps, that the Nobility were lessened; and whether whenever they were in Power and Greatness, they permitted the least shadow of any of them: Our own Country is a clear instance of it; for tho' the *White Rose* and the *Red* chang'd Fortunes often, to the Ruine, Slaughter, and Beheading of the Great Men of the other side; yet nothing could enforce them to secure themselves by a standing Force. But I cannot believe that the King himself will ever design any such thing; for he is not of a temper Robust and Laborious enough to deal with such a sort of Men, or reap the Advantages, if there be any, of such a Government; and I think, he can hardly have forgot the treatment his *Father* received from the Officers of his Army, both at *Oxford* and *Newark*; 'twas an hard, but almost an even choice, to be the *Parliament's Prisoner*, or their *Slave*; but I am sure the *greatest* prosperity of his Arms could have brought him to no happier condition, than our King his Son hath before him whenever he please. However, this may be said for the Honour of this Session, that there is no Prince in Christendom hath at a greater expence of Money, maintained for two Months space, a nobler, or more useful Dispute of the Politiques, Mystery, and Secrets of Government, both in Church and State, than this hath been; of which Noble Design no part is owing to any of the Country Lords, for they several of them begg'd at the first entrance into the Debate, that they might not be engaged in such Disputes, as would unavoidably produce divers things to be said, which they were willing to let alone. But I must bear them witness, and so will you, having read this, that they did their parts in it, when it came to it, and spoke plain like *Old English* Lords.

I shall conclude with that, upon the whole matter, is most worthy your consideration, That the *Design* is to declare us first into another Government more *Absolute and Arbitrary* than the Oath of *Allegiance* or old Law knew, and then make us swear unto it, as it is so established: And less than this the Bishops could not offer in requital to the Crown for parting with its Supremacy, and suffering them to be sworn to equal with it self. Arch-Bishop *Laud* was the first Founder of this Device; in his Canons of 1640. you shall find an Oath very like this. and a Declaratory Canon preceding, *That Monarchy is of Divine Right*, which was also affirmed in this Debate by our Reverend Prelates, and is owned in Print by no less Men than a Bishop *Usher*, and Bishop *Sanderson*; and I am afraid it is the avow'd opinion of much the greater part of our dignified Clergy; and I am sure it is the most dangerous sort of Opinion alive to our *English* Government, and it is the first thing ought to be lookt into, and strictly examin'd by our Parliaments, 'tis the *leaven* that corrupts the whole lump; for if that be true, I am sure Monarchy is not to be bounded by humane Laws; and the 8 chap. of 1 *Samuel*, will prove (as many of our Divines will have it) the great Charter of the Royal Prerogative; and our *Magna Charta*, that says, *Our Kings may not take our Fields, our Vineyards, our Corr, and our Sheep*, is not in force, but void and null, because against Divine Institution; and you have the Riddle out, why some of the Clergy are so ready to take themselves, and impose upon others, such kind of Oaths as these; they have placed themselves and their Possessions upon a better, and a surer bottom (as they

they think) than *Magna Charta*, and so have no more need of, or concern for it: Nay, what is worse, they have truckt away the Rights and Liberties of the People in this, and all other Countries where ever they have had Opportunity, that they might be owned by the Prince to be *Jure Divino*, and maintain'd in that Pretention by that Absolute Power and Force they have contributed so much to put into his hands; and that Priest and Prince may, like *Cæsar* and *Pollux*, be worshipt together as Divine, in the same Temple, by us poor Lay-Subjects; and that *Sense* and *Reason*, *Law*, *Properties*, *Rights*, and *Liberties*, shall be understood as the Oracles of those Deities shall interpret or give signification to them, and ne'r be made use of in the World to oppose the Absolute and Free-will of either of them.

Sir, I have no more to say, but beg your Pardon for this tedious Trouble, and that you will be very careful to whom you Communicate any of this.

Two Speeches.

I. The Earl of *Shaftsbury's* Speech in the *House of Lords*, the 20th of *October*, 1675.

II. The Duke of *Buckingham's* Speech in the *House of Lords*, the 16th of *November*, 1675.

Together with the Protestation and Reasons of several Lords for the Dissolution of this Parliament; entred in the Lords Journal the day the Parliament was Prorogued, *Nov. 22. 1675. First Printed Anno Dom. 1675.*

The Earl of Shaftsbury's Speech in the House of Lords, upon the Debate of appointing a Day for the hearing Dr. Shirley's Cause, the 20th of October, 1675.

My LORDS,

OUR All is at Stake, and therefore you must give me leave to speak freely before we part with it. My Lord Bishop of *Salisbury* is of Opinion, *That we should rather appoint a day to consider what to do upon the Petition, than to appoint a day of Hearing*; and my Lord Keeper, for I may name them at a Committee of the whole House, tells us in very eloquent and studied Language, *That he will propose us a way far less liable to exception, and much less offensive and injurious to our own Priviledges, than that of appointing a day of Hearing.* And I beseech your Lordships, Did not you after all these fine Words expect some admirable Proposal? but it ended in this: *That your Lordships should appoint a day, say a very long day, to consider what you would do in it:* And my Lord hath undertaken to convince you, That this is your only Course by several undeniable Reasons; the first of which is, *That 'tis against your Judicature to have this Cause, which is not proper before us, nor ought to be relieved by us.* To this, my Lords, give me leave to answer, That I did not expect from a Man professing the Law, that after an Answer by order of the Court was put in, and a day had been appointed for Hearing, which by some accident was set aside; and the Plaintiff moving for a second day to be assigned, that ever without hearing Council on both sides, the Court did enter into the Merits of the Cause. And if your Lordships should do it here in a Cause attended with the Circumstances this is, it would not only be an apparent Injustice, but a plain Subterfuge to avoid a point you durst not maintain.

But my Lords second Reason speaks the matter more clearly, for that is, *Because 'tis a doubtful case, whether the Commons have not Priviledge*; and therefore my Lord would have you, *To appoint a further, and a very long day to consider of it*, which in plain English is, That your Lordships should confess upon your Books, That you conceive it on second Thoughts a doubtful Case; for so your *Appointing a day to consider*, will do; and that for no other reason, but because my Lord Keeper thinks it so; which I hope will not be a Reason to prevail with your Lordships, since we cannot yet by experience, tell that his Lordship is capable of thinking your Lordships in the right, in any matter against the Judgment of the *House of Commons*; 'tis so hard a thing even for the ablest of Men to change ill Habits.

But my Lords third Reason, is the most admirable of all, which he styles *unanswerable*, viz. *That your Lordships are all convinced in your Conscience, that this (if prosecuted) will cause a breach.* I beseech your Lordships, consider whether this Argument thus applied, would not overthrow the Law of Nature, and all the Laws of Right and Property in the World: For 'tis an Argument, and a very good one, that you should not stand or insist on Claims, where you have not a clear Right, or where the Question is not of Consequence and Moment, in a matter that may produce a dangerous, pernicious Breach between Relations, Persons, or Bodies Politick, join'd in Interest, and high Concerns together. So on the other hand, if the Obstinacy of the

Party in the wrong, shall be made an unanswerable Argument for the other Party to recede and give up his just Rights. How long shall the People keep their Liberties, or the Princes or Governors of the World their Prerogatives! How long shall the Husband maintain his Dominion, or any Man his Property, from his Friend, or his Neighbor's Obstinacy? But, my Lords, when I hear my Lord Keeper open so eloquently the fatal Consequences of a Breach, I cannot forbear to fall into some admiration how it comes to pass, that (if the Consequences be so fatal) the King's Ministers in the House of Commons, of which there are several that are of the Cabinet, and have daily resort to his Majesty, and have the Direction and Trust of his Affairs; I say, that none of these should press these consequences there, or give the least stop to the career of that House in this business; but that all the Votes concerning this Affair, nay even that very Vote, *That no Appeal from any Court of Equity, is cognizable by the House of Lords, should pass nemine contradicente.* And yet all the great Ministers with us here, the Bishops and other Lords of greatest dependance on the Court, contend this point, as if it were *pro Aris & Focis*. I hear his Majesty in Scotland hath been pleased to declare against Appeals in Parliament; I cannot much blame the Court, if they think the Lord Keeper and the Judges, being of the King's naming, and in his power to change, that the Justice of the Nation is safe enough; and I, my Lords, may think so too, during this King's time, though I hear Scotland, not without reason, complain already: Yet how future Princes may use this Power, and how Judges may be made not Men of Ability, or Integrity, but Men of Relation and Dependance, and who will do what they are commanded; and all Mens Causes come to be judged, and Estates disposed on, as Great Men at Court please.

My Lords, the Constitution of our Government hath provided better for us; and I can never believe so wise a Body as the House of Commons, will prove that foolish Woman which plucks down her House with her hands.

My Lords, I must presume in the next place to say something to what was offered by my Lord Bishop of Salisbury, a Man of great Learning and Abilities, and always versed in a stronger and closer way of Reasoning, than the Business of that Noble Lord I answered before did accustom him to; and that Reverend Prelate hath stated the Matter very fair upon two Heads.

The first, *Whether the bearing of Causes and Appeals, and especially in this point, where the Members have Persecution, be so material to us, that it ought not to give way to the Reason of State, of greater Affairs that pressed us at that time.*

The second was, *If this Business be of that Moment, yet whether the appointing a day to consider of this Petition, would prove of that consequence and prejudice to your Cause?*

My Lords, to these give me leave in the first place to say, That this matter is no less than your whole Judicature, and your Judicature is the Life and Soul of the Dignity of the Peerage of England; you will quickly grow burdensome, if you grow useless: You have now the greatest and most useful end of Parliaments principally in you, which is not to make new Laws, but to redress Grievances, and to maintain the old Land-Marks. The House of Commons business is to complain, your Lordships to redress, not only the complaints from them that are the Eyes of the Nation, but all other particular persons that address to you. A Land may groan under a multitude of Laws, and I believe ours does; and when Laws grow so multiplied, they prove oftner Snares than Directions and Security to the people. I look upon it as the Ignorance and Weakness of the latter Age, if not worse, the effect of the Designs of ill Men, that it is grown a general Opinion, that where there is not a particular Direction in some Act of Parliament, the Law is defective; as if the Common Law had not provided much better, shorter, and plainer, for the Peace and Quiet of the Nation, than intricate, long, perplexed Statutes do, which has made Work for the Lawyers, given power to the Judges, less'n'd your Lordships Power, and in a good measure unhing'd the Security of the People.

My Lord Bishop tells us, *That your whole Judicature is not in question, but only the Privilege of the House of Commons, of their Members not appearing at your Bar:* My Lords, were it no more, yet that for Justice and the Peoples sake you ought to part with: How far a Privilege of the House of Commons, their Servants, and those they own, doth extend, Westminster-Hall may with grief tell your Lordships. And the same Privilege of their Members being not sued, must be allowed by your Lordships as well; and what a failure of Justice this would prove, whilst they are Lords for Life, and you for Inheritance, let the World judge; for my part I am willing to come to Conference whenever the Dispute shall begin again, and dare undertake to your Lordships, That they have neither Precedent, Reason, nor any justifiable pretence to shew against us; and therefore, my Lords, if you part with this undoubted Right meerly for asking, where will the asking stop? And, my Lords, we are sure it doth not stop here, for they have already, *nemine contradicente*, voted against your Lordships Power of Appeals from any Court of Equity! So that you may plainly see where this Caution and Reason of State means to stop; not one jot short of laying your whole Judicature aside, for the same Reason of passing the King's Money of not interrupting good Laws, or whatever else must of necessity avoid all Breach upon what score soever: And your Lordships plainly see the Breach will be as well made upon your Judicature in general, as upon this; so that when your Lordships have appointed a day, a very long day, for to consider whether Dr. Shirley's Cause be
not

not too hot to handle. And when you have done the same for Sir Nicholas Staunton, whose Petition I hear is coming in, your Lordships must proceed to a Vote to lay all private business aside for six Weeks; for that Phrase of private business, hath obtained upon this last Age, upon that which is your most publick Duty and Business, namely, the Administration of Justice. And I can tell your Lordships, besides the Reason that leads to it, that I have some intelligence of the designing such a Vote: For on the second day of your sitting, at the rising of the Lord's House, there came a Gentleman into the Lobby, belonging to a very great Person, that ask'd in very great haste, *Are the Lords up? have they passed the Vote?* And being ask'd, *What Vote?* He answer'd, *The Vote of no private Business for six Weeks.*

My Lords, if this be your Business, see where you are, if we are to postpone our Judicature, for fear of offending the House of Commons for six Weeks, that they in the interim may pass the Money, and other acceptable Bills that his Majesty thinks of Importance: Are so many wise Men in the House of Commons to be laid asleep, and to pass all these acceptable things; and when they have done, to let us to be let loose upon them?

Will they not remember this next time there is want of Money? Or may not they rather be assured by those Ministers that are amongst them, and go on so unanimously with them, that the King is on their side in this Controversie? And when the publick Businesses are over, our time shall be too short to make a Breach, or vindicate our selves in the matter. And then I beg your Lordships, where are you after you have asserted but the last Session your Right of Judicature so highly, even in this point, and after the House of Commons had gone so high against you on the other hand, as to Post up their Declaration and Remonstrances on Westminster-Hall doors, the very next Session after you postpone the very same Causes; and not only those, but all Judicatures whatsoever? I beseech your Lordships, will not this prove a fatal Precedent and Confession against your selves? 'Tis a Maxim, and a rational one amongst the Lawyers, *That one Precedent where the Case hath been contested, is worth a thousand where there hath been no Contest.* My Lords, in saying this, I humbly suppose I have given a sufficient Answer to my Lord Bishops second Question: *Whether the appointing a day to consider what you will do with this Petition, be of that consequence to your Rights?* For it is a plain confession, that it is a doubtful case, and that infinitely stronger than if it were a new thing to you, never heard of before: For it is the very same Case, and the very same thing desired in that Case, that you formerly ordered, and so strongly asserted; so that upon time, and all the deliberation imaginable, you declare your selves to become doubtful, and you put your selves out of your own hands, into that Power that you have no reason to believe on your side in this Question.

My Lords, I have all the Duty imaginable to his Majesty, and shall with all submission give way to any thing he should think of importance to his Affairs: But in this point it is to alter the Constitution of the Government, if you are ask'd to lay this aside; and there is no reason of State can be an Argument to your Lordships to turn your selves out of that Interest you have in the Constitution of the Government; 'tis not only your Concern that you maintain your selves in't, but 'tis the Concern of the poorest Man in England, that you keep your Station: 'Tis your Lordships Concern, and that so highly, that I will be bold to say, the King can give none of you a Requital or Recompence for it. What are empty Titles? what is present Power, or Riches, and a great Estate, wherein I have no firm nor fixed Property? 'Tis the Constitution of the Government, and maintaining it, that secures your Lordships, and every Man else, in what he hath: The poorest Lord, if the Birthright of the Peerage be maintained, has a fair prospect before him for himself or his Posterity; but the greatest Title, with the greatest present Power and Riches, is but a mean Creature, and maintains those in *Absolute Monarchies* no otherwise than by servile and low flatteries, and upon uncertain terms.

My Lords, 'tis not only your Interest, but the Interest of the Nation, that you maintain your Rights; for let the House of Commons, and Gentry of England, think what they please, there is no Prince that ever Govern'd without Nobility or an Army: If you will not have one, you must have t'other, or the Monarchy cannot long support, or keep it self from tumbling into a Democratical Republique. Your Lordships and the People have the same Cause, and the same Enemies. My Lords, would you be in favour with the King? 'Tis a very ill way to it, to put your selves out of a future capacity, to be considerable in his Service: I do not find in Story, or in Modern Experience, but that 'tis better; and a Man is much more regarded, that is still in a capacity and an opportunity to serve, than he that hath wholly deprived himself of all for his Prince's Service: And I therefore declare, that I will serve my Prince as a Peer, but will not destroy the Peerage to serve him.

My Lords, I have heard of twenty foolish Models and Expedients to secure the Justice of the Nation, and yet to take this Right from your Lordships, as the King by his Commission appointing Commoners to hear Appeals; or that the twelve Judges should be the Persons, or that Persons should be appointed by Act of Parliament, which are all not only to take away your Lordships just Rights, that ought not to be altered any more than any other part of the Government, but are in themselves, when well weighed, ridiculous. I must deal freely with your Lordships, these things could never have risen in Mens minds, but that there has been some kind of provocation that has given the first rise of it: Pray, my Lords, forgive me, if on this occasion I

put you in mind of *Committee-Dinners*, and the scandal of it, those droves of Ladies that attended all Causes; 'twas come to that pass, that Men even hired or borrowed of their Friends, handsome Sisters or Daughters, to deliver their Petitions: But yet for all this, I must say, that your Judgments have been Sacred, unless in one or two Causes, and those we owe most to *that Bench*, from whence we now apprehend most danger.

There is one thing I had almost forgot to speak to, *Which is the Conjunction of time, the Hinge upon which our Reason of State turns*, and to that, my Lords, give me leave to say, if this be not a time of leisure for you to vindicate your Privileges, you must never expect one: I could almost say, that the Harmony, good Agreement, and Concord that is to be prayed for at most other times, may be fatal to us now; we owe the Peace of this last two Years, and the disengagement from the French Interest, to the two Houses differing from the Sense and Opinion of *Whitehall*; so at this time, the thing in the World this Nation hath most reason to apprehend, is a General Peace, which cannot now happen without very Advantageous Terms to the French, and Disadvantageous to the House of *Austria*. We are the King's great Counsellors, and if so, have Right to differ, and give contrary Counsels to these few are nearest about him: I fear they would advance a General Peace, I am sure I would advise against it, and hinder it at this time by all the ways imaginable. I heartily wish nothing from you may add weight and reputation to those Counsels would assist the French. No Money for Ships, nor Preparations you can make, nor Personal Assurances our Prince can have, can secure us from the French, if they are at leisure. He is grown the most Potent of us all at Sea. He has built 24 Ships this last Year, and has 30 more in number than we; besides the advantage, that our Ships are all out of Order, and his so exquisitely provided for, that every Ship has his particular Store-house. 'Tis incredible the Money he hath, and is bestowing in making of Harbors, he makes Nature itself give way to the vastness of his Expence: And after all this, shall a Prince so wise, so intent upon his Affairs, be thought to make all these preparations to sail over Land, and fall on the back of Hungary, and batter the Walls of *Kaminitz*? Or is it possible he should oversee his Interest in seizing of Ireland, a thing so feasible to him, if he be Master of the Seas, as he certainly now is; and which when attained, gives him all the Southern, Mediterranean, East and West-India Trade, and renders him both by Situation, and excellent Harbors, perpetual Master of the Seas without Dispute?

My Lords, to conclude this point, I fear the Court of England is greatly mistaken in it, and I do not wish them the reputation of the concurrence of the Kingdom: And this is out of the most sincere Loyalty to His Majesty, and love to my Nation.

My Lords, I have but one thing more to trouble you with, and that peradventure is a consideration of the greatest weight and concern, both to your Lordships, and the whole Nation. I have often seen in this House, that the Arguments, with strongest Reason, and most convincing to the Lay-Lords in General, have not had the same effect upon the Bishops Bench; but that they have unanimously gone against us in matters, that many of us have thought Essential and undoubted Rights: And I consider, that 'tis not possible, that Men of great Learning, Piety, and Reason, as their Lordships are, should not have the same care of doing right, and the same conviction what is right, upon clear Reason offered, that other your Lordships have. And therefore, my Lords, I must necessarily think, we differ in Principles; and then 'tis very easy to apprehend, what is the clearest sense to men of my Principle, may not at all persuade or affect the Conscience of the best Man of a different one. I put your Lordships the case plainly, as 'tis now before us. My Principle is, *That the King is King by Law, and by the same Law that the poor man enjoys his Cottage*; and so it becomes the concern of every Man in England, that has but his Liberty, to maintain and defend, to his utmost, the King in all his Rights and Prerogatives. My Principle is also, *That the Lords House, and the Judicature and Rights belonging to it, are an Essential part of the Government, and Established by the same Law*: The King governing and administering Justice by his House of Lords, and advising with both his Houses of Parliament in all important matters, is the Government I own, am born under, and am obliged to. If ever there should happen in future Ages (which God forbid) a King governing by an Army, without his Parliament, 'tis a Government I own not, am not obliged to, nor was born under. According to this Principle, every honest Man that holds it, must endeavour equally to preserve the frame of the Government, in all the parts of it, and cannot satisfy his Conscience to give up the Lords House for the Service of the Crown, or to take away the just Rights and Privileges of the House of Commons to please the Lords. But there is another Principle got into the World, my Lords, that hath not been long there, for Archbishop *Land* was the first Author that I remember of it; and I cannot find that the Jesuits, or indeed the Popish Clergy hath ever own'd it, but some of the Episcopal Clergy of our *British Isles*; and 'tis withal, as 'tis new, so the most dangerous destructive Doctrine to our Government and Law, that ever was. 'Tis the first of the Canons published by the Convocation, 1640. *That Monarchy is of Divine Right*. This Doctrine was then preached up, and maintained by *Sibbors*, *Manwaring*, and others, and of later years, by a Book published by Dr. *Sanderson*, Bishop of *Lincoln*, under the name of Archbishop *Usher*; and how much it is spread amongst our Dignified Clergy, is very easily known. We all agree,

That

the Twentieth of October, 1675.

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That the King and his Government as to be obeyed for Conscience sake; and that the Divine Precepts require not only here, but in all parts of the World, Obedience to Lawful Governors. But that this Family are our Kings, and this particular frame of Government is our Lawful Constitution, and obliges us, is owing only to the particular Laws of our Country. This Laudan Doctrine was the Root that produced the Bill of Test last Session, and some very perplexed Oaths that are of the same nature with that, and yet imposed by several Acts this Parliament.

In a word, If this Doctrine be true, our *Magna Charta* is of no use, our Laws are but Rules amongst our selves during the King's pleasure. Monarchy, if of Divine Right, cannot be bounded or limited by Humane Laws; nay, what's more, cannot bind it self, and all our Claims of Right by the Law, or Constitution of the Government, all the Jurisdiction and Privilege of this House, all the Rights and Privileges of the House of Commons, all the Properties and Liberties of the People, are to give way, not only to the Interest, but the Will and Pleasure of the Crown. And the best and worthiest of Men; holding this Principle, must Vote to deliver up all we have, not only when Reason of State, and the separate Interest of the Crown require it, but when the Will and Pleasure of the King is known, would have it so. For that must be, to a Man of that Principle, the only Rule and Measure of Right and Justice. Therefore, my Lords, you see how necessary it is, that our Principles be known; and how fatal to us all it is, that this Principle should be suffered to spread any further.

My Lords, to conclude, your Lordships have seen of what consequence this matter is to you, and that the appointing a day to consider, is no less than declaring your selves doubtful, upon second and deliberate thoughts, that you put your selves out of your own hands, into a more than a moral probability of having this Session made a Precedent against you. You see your Duty to your selves and the People; and that 'tis really not the Interest of the House of Commons, but may be the Inclination of the Court, that you lose the Power of Appeals; but I beg our House may not be *Felo de se*, but that your Lordships would take in this Affair, the only course to preserve your selves, and appoint a day, this day three weeks, for the hearing Dr. Shirley's Cause, which is my humble motion.

Q

The

*The Duke of Buckingham's SPEECH in the House
of LORDS, November 16. 1675.*

My Lords,

THERE is a thing called *Property*, (whatever some Men may think) that the People of *England* are fondest of. It is That they will never part with, and it is That His Majesty in His Speech has promised to take particular care of. This, my Lords, in my Opinion, can never be done, without an *Indulgence* to all *Protestant Dissenters*.

It is certainly a very uneasy kind of Life to any Man, that has either *Christian Charity*, *Good Nature*, or *Humanity*, to see his fellow *Subjects* daily abused, divested of their *Liberties* and *Birth-rights*, and miserably thrown out of their *Possessions* and *Free-holds*, only because they cannot agree with others in some *Opinions* and *Niceties* of *Religion*, which their *Consciences* will not give them leave to consent to, and, which even by the consent of those who would impose them, are no way necessary to *Salvation*.

But, my Lords, besides this, and all that may be said upon it, in order to the improvement of our *Trade*, and the increase of the *Wealth*, *Strength*, and *Greatness* of this *Nation* (which with your leave I shall presume to discourse of at some other time) there is mistake in this *Notion* of *Persecution*, a very gross mistake, both as to the point of *Government* and *Religion*.

There is so as to the point of *Government*, because it makes every mans safety depend upon the wrong place; not upon the *Governors*, or mans living well towards the *Civil Government*, established by *Law*; but upon his being transported with *Zeal* for every *Opinion* that's held by those that have power in the *Church* that's in fashion.

And I perceive it's a mistake in *Religion*, for that it is positively against the express *Doctrine* and *Example* of *Jesus Christ*: Nay, my Lords, as to our *Protestant Religion*, there is something yet worse; for we *Protestants* maintain, that none of these *Opinions* which *Christians* here differ about, are *Infallible*; and therefore in us it is somewhat an inexcusable conception, that Men ought to be deprived of their *Inheritance*, and all their certain conveniencies and advantages of *Life*, because they will not agree with us in our uncertain *Opinions* of *Religion*.

My humble Motion to your *Lordships* therefore is, That you will give me leave to bring in a *Bill* of *Indulgence* to all *Dissenting Protestants*. I know very well that every *Peer* of this *Realm* has a right to bring into *Parliament* any *Bill* which he conceives to be useful to this *Nation*. But I thought it more respectful to your *Lordships* to ask your leave for it before; and I cannot think that doing of it, will be any prejudice to the *Bill*, because I am confident, the *Reason*, the *Prudence*, and the *Charitableness* of it, will be able to justify it to this *House*, and the whole *World*.

Accordingly the House gave the Duke leave to bring in a Bill.



A LIST of the Lords who were present at the Vote for an Address to the King for Dissolving the Parliament, November the 20th, 1675.

For the Address.

His Royal Highness,
D. of Buckingham,
M. Winchester,
E. Marhal, E. Norwich
E. Kent,
E. Dorset,
E. Salisbury,
E. Bridgwater,
E. Westmorland,
E. Bullingbrooke,
E. Chesterfield,
E. Stamford,
E. Peterborough,
E. Manchester,
E. Berks,
E. Mulgrave,
E. Scarisdale,
E. Sunderland,
E. Clarendon,
E. Essex,
E. Cardigan,
E. Shaftsbury,
E. Powys,
Vic. Fauconberg,
Vic. Halifax,
Vic. Yarmouth,
Vic. Newport,
Ld. Sandys,
Ld. Morley,
Ld. Stanton,
Ld. Wharton,
Ld. Petre,

Ld. Arundel of Warder,
Ld. Lovelace,
Ld. Tenham,
Ld. Mohun,
Ld. Bellafys,
Ld. Carington,
Ld. De la Mer,
Ld. Townsend,
Ld. Grey of Rolston.

These Lords present 41
gave Proxies 7

Lords absent and sick that gave
Proxies for this question.

E. Denbigh,
Ld. Hollis.

Other Lords absent that were for
this Address.

E. Bedford,
E. Burlington,
Ld. Fitzwalter,
Ld. Ewer, *And others.*

Against the Address.

Ld. Keeper,
Ld. Treasurer,
Ld. Privy-Seal,
Ld. Great Chamberlain,
E. Northampton,
E. Bristol,
E. Bath,
E. Craven,
E. Alisbury,
E. Gifford, D. Lauderdale,
Ld. Windsor,
Ld. Pawlett,
Ld. Maynard,
Ld. Howard of Eficrick,
Ld. Byron,
Ld. Lucas,
Ld. Vaughan, E. Carbery,
Ld. Gerrard,
Ld. Frechvill,
Ld. Butler, E. of Ossery,
Ld. Arundell of Trerice.

21 Lay Lords.

13 Bishops, who were all that
were in the House.

These 34 Lords

gave 18 Proxies.

The Protestation, with Reasons of several Lords for the Dissolution of this Parliament, entered in the Lords Journal, November 22. 1675. the Day the Parliament was Prorogued.

W E whose Names are underwritten, Peers of this Realm, having proposed, That an humble Address might be made to His Majesty from this House, that he would be graciously pleased to Dissolve this Parliament: And the House having carried it in the Negative, for the Justification of our Loyal Intentions towards His Majesty's Service, and of our true Respect and Deference to this Honourable House; and to shew that we had no sinister or indirect Ends in this our humble Proposal, Do with all Humility herein set forth the Grounds and Reasons why we were of Opinion, that the said humble Address should have been made.

1. We do humbly conceive, That it is according to the ancient Laws and Statutes of this Realm, that there should be frequent and new Parliaments, and that the practice of several years hath been accordingly.

2. It seems not reasonable, that any particular number of Men, should for many years ingross so great a Trust of the People, as to be their Representatives in the House of Commons: And all other the Gentry and the Members of Corporations of the same degree and quality with them, should be so long excluded. Neither, as we humbly conceive, is it advantageous to the Government, that the Counties, Cities, and Boroughs, should be confined for so long a time to such Members as they have once chosen to serve for them; the mutual Correspondence and Interests of those who choose and are chosen, admitting of great variations in length of time.

3. The long continuance of any such as are entrusted for others, and who have so great a Power over the Purse of the Nation, must, in our humble Opinion, naturally endanger the producing of Factions and Parties, and the carrying on of particular Interests and Designs, rather than the publick Good.

And we are the more confirmed in our Desires for the said humble Address, by reason of this unhappy breach fallen out betwixt the two Houses, of which the House of Peers hath not given the least occasion; they have done nothing but what their Ancestors and Predecessors have in all times done, and what is according to their Duty, and for the Interest of the People that they should do; which notwithstanding, the House of Commons have proceeded in such an unprecedented and extraordinary way, that it is in our humble Opinion, become altogether unpracticable for the two Houses, as the Case stands, jointly to pursue those great and good Ends for which they were called.

For these Reasons, we do enter this our Protestation against, and Dissent unto the said Vote.

Buckingham,
Winchester,
Salisbury,
Bridgewater,
Dorset,
Westmorland,
Chesterfield,
Stamford,
Berks,
Clarendon,
Shaftsbury,

Fauconberg,
Hallifax,
Yarmouth,
Newport,
Sandys,
Wharton,
Petre,
Molung,
De la Mer,
Townsend,
Grey of Rolston.

These were all the Lords that were in the House early enough to sign the Protestation before the Parliament was Prorogued.

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Two Seasonable Discourses concerning this present
P A R L I A M E N T.

by Joseph St. John

The Debate or Arguments for Dissolving this present *Parliament*,
and the Calling frequent and new Parliaments:

As they were delivered in the House of Lords, Novemb. 20. 1675:

First Printed in the Year 1675:

THat it is according to the Constitution of the Government, the ancient Laws and Statutes of this Realm, that there should be frequent and new Parliaments, and the practice of all Ages, till this last, hath been accordingly: Parliaments, both long before and after the Conquest, were held *three times a year*, viz. *Easter, Whitsontide, and Christmas*, during the space of *eight days* for each time, and so continued with some variation, as to the times of Calling, and length of Holding; but always very short, until the Reign of E. 3. in the 4th year of whose Reign there was a Law made, *That Parliaments should be holden every year once, or more often*: And how this Law is to be understood, whether of a New Parliament every year, or Calling the Old, is most manifest, by the practice not only of all the Ages before, but of some hundreds of years since that Law; Prorogations or long Adjournments, being a thing never heard of until latter years.

And it is most unreasonable, that any particular number of men should for many years ingross so great a Trust of the People, as to be their Representatives in the House of Commons; and that all other the Gentry, and the Members of Corporations, of the same Degree and Quality with them, should be so long excluded. Neither is it agreeable with the nature of Representatives to be continued for so long a time, and those that *chuse* them not to be allowed frequent opportunity of changing the hands in which they are obliged to put so great a Trust; the mutual Correspondence and Interests of those who *chuse* and are chosen admitting of great variations in length of time. How many in this present House of Commons are there, whose Business and Acquaintance has not given them the occasion of the Correspondence of one Letter (for these many years) with any person of those Places for whom they serve? How many may there be in future Parliaments, if continued as long as *this*, that may be Protestants when they are chosen, and yet may come in so many years justly to be suspected to have chang'd their Religion? Nay, how many in *this* present Parliament are there, who were chosen by the People when they were of the same adequate Interest with them, and in length of time, by the Favour and Goodness of the Prince, and their own great Merits, are become Officers in the Court, and about the Revenue? This is not spoken to reflect on them, for many of them have behaved themselves very *worthily* of those Places; but yet themselves cannot say, that they are equally as free to act for those that *chuse* them, as they were before: Nor are they of the same Interest as when they were chosen; for now they gain and have the advantage by the Peoples Payments: And if they should say, *They are the same men they were*, we may call their fellow Members that have sat with them to witness, whether the Proverb be not true, that *Honours mutant mores*; whether they have the same Opinion and the same Freedom they had before? Nay, may it not be said without offence, that even in *this* House of Commons there are not a few, who when they were chosen were lookt upon as Men of Estates, and are either since grown or discover'd to be of that indigent condition, that they are much fitter to receive the publick Maintenance than give the publick Money? And it may be charitably supposed, that those Gentlemen are so modest as to be willing to lay down, if they could, the publick Trust. But 'tis most certain, that those Places they serve for, would not be willing to continue them in it. There is no question, but 'tis the King's undisputed Prerogative to call and end Parliaments when he pleases; and no man or number of men, can limit him a time; but the greatest Prince cannot avoid the being limited by the nature of things; Representatives of the People are necessary to the making Laws, and there is a time when it is morally demonstrable, that men cease to be Representatives, there being Circumstances and Proprieties that distinguish every thing as well as person in the World. So that to conclude this Head, we owe the Prince the observance of his time and place, both for Calling and Duration of Parliaments; and the Prince owes us, not only the frequencies of Parliaments, but that our Representations should be preserved to us in them.

And further, if you consider the Constitution of our Government, where the King as Head (from whom all the vital and animal Spirits are diffused through the Body) has the care of all

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whole

whose Interest is to seek the Welfare of the whole; all being his; the *Strength* of the Nation being his *Strength*, the *Riches* his *Riches*, the *Glory* and *Honour*, his *Glory* and *Honour*, and so on the contrary: But lest *Passion*, *Mistake*, *Flattery*, or the ill *Designs* of those about the *Prince* should make him grow cross to his *Real*, and follow a destructive imaginary Interest; there is an Estate of *Hereditary Nobility*, who are by Birthright the *Counsellors* of the *Kingdom*, and whose Interest and Business it is to keep the Balance of the *Government* steady, that the *Favourites* and great *Officers* exceed not their bounds, and oppress the *People*, that Justice be duly administered, and that all parts of the *Government* be preserved entire; yet even These may grow incontinent (a Disease *Greatness* is liable to) or may by *Offices*, *Dependencies*, *Hopes* of *Preferment*, and other accidents, become, as to the major part of them, rather the obsequious Flatterers of the Court, than true Supporters of the publick and English Interest, and therefore the Excellency of our *Government* affords us another Estate of Men, which are the *Representatives* of the *Freeholders*, *Cities*, principal *Boroughs*, and *Corporations* of *England*, who by the old Law were to be new chosen once a year, if not oftner, so that they perfectly gave the sence of those that chose them, and were the same thing as if those were present that chose, they so newly coming from them, and so quickly returning to give an account of their *Fidelity*, under the penalty of shame, and no further Trust.

Thus you have in our *English Government*, the *House of Commons* affording the *Sence*, the *Mind*, the *Information*, the *Complaints*, the *Grievances*, and the *Desires* of all those *People* for whom they serve, throughout the whole Nation. The *People* are thus secure, no *Laws* can be made, nor *Money* given, but what themselves, though at home, fully consent and agree to. The *Second Estate* in this *Government*, is the *Lords*, who are the *Council*, the *Wisdom*, and *Judgment* of the *Nation*, to which their Birth, Education, and constant Employment, being the same in every *Parliament*, prepares and fits them. The last and Supreme of all, is the *King*, One who gives Life and Vigour to the Proceedings of the other two; the Will and Desires of the *People*, though approved by the *Wisdom* and *Judgment* of the *Lords*, are abortive, unless he bids them be an Act.

Humane Reason can hardly contrive a more excellent *Government*: But if you will alter this *Government*, in any of the three Parts of it, the Disorders and Inconveniencies incident to the nature of such Alteration, must necessarily follow: As for instance, the long continuance of any such as are entrusted for others, especially of such as have so great a Power over the Purse of the Nation, must necessarily produce *Cabals* and *Parties*, and the carrying on of private Interests and Court Factions, rather than the publick Good, or the true Interest either of the *King* or *Kingdom*. How vastly is the Privilege of a *Parliament* man encreased since the middle of the Reign of *H. 8.*? Before, it was several times agreed by all the *Judges*, and observed as the Law, That a Member and his Servants, were exempted only from Arrest and Outlawries, but might be impeached, sued, and attacked by his Lands and Goods; yet now they must not be sued in any Case, nor dispossessed of any thing during the time of Privilege; nay, these two last Sessions the Privilege must extend to exempt them even from the Jurisdiction of *Parliament* itself: As also before the same *King's* Reign, the *House of Commons* never thought of *Judicature*, as being in the nature of their Constitution incapable of it, but since they are not only become *Judges* of their own Privileges, condemning and imprisoning their fellow Subjects at pleasure and without an Oath, and also *Judges* of all Elections, by which very often they and not the *People*, chuse their fellow Members: But now is come to that, that the *House of Commons* pass sentence on the *Lords* Proceedings, make new Crimes, and add Pre-instruments to them by their own Authority: If you will ask the reason of this change, 'tis plain that *Parliaments* began in *H. 8.* time to be longer than they ought; that *Prince* knowing that long *Parliaments* were fitted to make great Changes: They have been too frequent since, but never of that length as this; besides all this, the long continuance of *Representatives*, renders them liable to be corrupted, and won off from the publick Interest; it gives them time to settle their *Cabals* and Interest at Court, and takes away the great Security the *Nation* has; that if it be possible to happen that the *Spiritual Lords*, because of their great Dependence on the *Crown*, the *Papish Lords* being under the pressure of so several Laws together with the *Court Lords* and great *Officers*, should in any future Age make up a greater number of the *House of Lords*, and should pass things very prejudicial to the *Publick*, yet all should prove ineffectual, and the *Nation* remain safe in an *House of Commons* lately chosen that have not had time to learn new Settlements, or to put off their old Principles at a good Market. How great has been the modesty of this present *House of Commons*, that having had the Purse of the *Nation* thus long in their Hands, as being those that first begun the Grants of *Subsidies* &c. Aid to the *King*, and so by consequence have all the Addresses made to them, whenever the wants of the *Crown* (which in this active Age are very often) require it, that they have not made use of it, to the prejudice of the *publick*, or to their own advantage! It was a very high Temptation, and might easily have rendered them in their own Opinion more than *Lords*; and they are rather to be commended, that they insisted on no higher terms with the *Lords House*, than wou'dred at for what they did, considering the Matter, Ground, and the Circumstances wherein they stood; and yet they were certainly mistaken, and not a little forgot themselves, when they would not allow the *Lords House* a Power

of lessening the *Sums* in any *Bill of Subsidie* or *Aid* that they had once set; which was not only directly contrary to the *Interest* of the *People* that chose them, but against the *ancient* and expresse *Rule* and *Custom* of *Parliament*; whereby it is clear, if the *Commons* grant *free Subsidies*, and the *Lords* agree but to *four*, that *Bill of Subsidy* need not be sent down to the *Commons* for their consent to such an alteration. And they certainly were grown very high in their own Opinion, and had a very low esteem for the *Lords*, when they neglected the safety of their best Friends in that House, and did almost with scorn refuse the passing of the *Bill* for the more fair and equal *Trial* of *Peers*, which in several *Sessions* was sent down to them. How great were the apprehensions of all sober and wise Men, at every meeting of this present *Parliament* during these late years? and how much is to be ascribed to the goodness of our *Prince*, and to the virtue of the *Members* of this present *House of Commons*, that *Honours*, *Offices*, *Pensions*, *Money*, *Employments*, and *Gifts* had not been bestowed and accepted, and the *Government*, as in *France*, *Denmark*, and other Countries, made *Absolute*, and at the will of the *Prince*? How easie this may be done in future Ages under such *Princes* and such an *House of Commons* as may happen, if long and continued *Parliaments* be allowed for *Law*, may be made some measure of by this, where though the *Prince* had no design, and the *Members* of the *House of Commons* have shewed so great Candor and Self-denial, yet the best Observers are apt to think that we owe it to the strong and opposite *Factions* at *Court*, that many things of great Alterations have not passed.

And moreover, it cannot be passed over with silence, nor considered without great thoughts of heart, to what a price a Member of the *House of Commons* place is come: In former times, when *Parliaments* were short and frequent, the *Members* constantly received their wages both of their *Counties* and *Boroughs*; many of the poorer *Boroughs* petitioned to be excused from sending *Members*, as not being able to bear their Charge; and were so: *Laws* were made in favour of the Gentry, that *Corporations* should compel none but their *Freemen* of their own *Town* to serve for them; nay, you shall find in all the *Ancient Returns of Writs for Knights* of the *Shires*, their *Sureties* for their Appearance returned with them: But now the case is altered, 1500*l.* and 2000*l.* and lately 7000*l.* is a price Men pay to be instructed: 'Tis to be hoped the Charity of those worthy Persons, and their Zeal for the Publick Interest has induced them to bear this Expence: But it were better to be otherwise; and there is a scurvy *English* Proverb, That Men that buy dear, cannot live by selling cheap. And besides all these, the very *Privilege* of the *Members*, and of those they protect in a *Parliament* of so long duration, is a pressure that the Nation cannot well support it self under: So many thousand *Suits of Law* stop, so vast a *Sum of Money* withheld from the right owners, so great a quantity of *Land* unjustly possessed, and in many Cases the length of time securing the possession, and creating a *Title*: And 'tis an Observation not unworthy the making, that all this extent of *Privilege* beyond its due bounds has first risen from the *Members* of the *House of Commons*: That *House* to this day pretends to forty days *Privilege* before and after *Parliament*, the *House of Lords* but twenty, and yet the *Privilege* of *Parliament* is the same to both: And if the *House of Commons* obtain their forty days to become *Law* and *Custom*, the *Lords* will certainly enjoy the same *Privilege*; but the Cure of this Evil is very easie in frequent and short *Parliaments*: The *Members* will affect no larger *Privileges* than are necessary and useful to them; for such as oppress and injure others, cannot expect a second choice, and the present time is but short.

To all this there are two *Objections* that make a great sound, but have really nothing of weight in them: The first *Objection* is, That the *Crown* is in danger if you call a new *Parliament*. If those men be in earnest that urge this, it were to be wished they would consider well what are the Men are likely to be chosen, and they are not difficult to be guest at through the whole Kingdom; Men of *Quality*, of *Estates*, and of the best *Understanding*; such will never affect change, or disturb the *King's* Government: A New *Parliament* will be the Nation, and that will never stick at small matters to render themselves acceptable to their *Prince*. Would the *King* have Acquaintance with his *People*? This is his way. Would he have yet more the Love of his *People*? Thus he is sure to have it. Would the *King* have a considerable *Sum of Money* to pay his *Debts*, and put him at ease? Thus he cannot fail of it; nay, he shall have it as a pledge of endearment between him and his people, they give it themselves, and they know the *King* receives it as from them. The *English* Nation are a generous *People*, and have at all times exprest themselves ready to supply even the *Humours* and *Excesses* of their *Princes*, and some of the best beloved *Princes* we have had were such as by *War*, or otherwise, put us to the most Expence: Witness *Edward the I.*, *Edward the III.*, and *Henry V.*; but then always they were satisfied that the Honour of the Nation was preserved; and whatever private or personal Excesses the *Prince* had, yet the Nation was secure, there was no design upon them, neither should their *Money* or their *Strength* be used against them: All this is the Happiness of our present state under our most gracious *King*. But how shall the *People* know and be secure it is so, but by those they annually send up to *Parliament* from amongst themselves? Whereas if the *King* should have a great *Sum of Money* given by this *Parliament*, it would be look'd upon as theirs, not as the *Peoples* Gift; and the best of Men with their Circumstances cannot avoid the suspicion, when they give much to have received some; and Men will not so chearfully undergo

the Burthen of a Tax, and their own Wants in the time of this general Poverty, when they apprehend others have the Thanks, and perhaps the Reward of their Sufferings.

The second Objection is with great apprehensions and passion urg'd by the Bishops, *That the Church and this Parliament fall together.* Which Objection, how vain it is, you will easily confess, if (as we said before) the persons that are like to be chosen be considered, the dissenting Protestants may very probably find more favour and ease, but the Church can never suffer, either in her Lands or Dignities she now enjoys, by an House of Commons consisting of Men of the best Quality and Estates in England, as the next certainly will be: But, on the other side, what do the Bishops mean by this assertion? most certainly it is not their intent to make the Interest of the Church and the Nation direct opposite and inconsistent one with the other; and yet in saying this, they confess that this House of Commons are not the true Representatives of those they serve for; that the People and They are of different minds; that if they were to chuse again, they would chuse other Men of other Sentiments; and it must be confessed, that whatever is not natural, is by force, and must be maintained by force. A standing Parliament and a standing Army are like those Twins that have their lower parts united, and are divided only above the Navel; they were born together, and cannot long out-live each other. Certainly that Man is no friend to the Church, that wishes a third incorporated with those two.

To conclude this Debate, the continuance of this present Parliament any longer is unpracticable; the breach this House of Commons has made upon the Lords, is unlikely to be repaired with these present Men, as it is to be renew'd by another House of Commons of a new Election; if you consider the Power, the Courtship, and the Addresse that these men have for so many years enjoy'd and receiv'd, they may almost be forgiven, if they think themselves greater Men than the Lords in the higher House; besides, it is very well known that many of the ablest and most worthy Patriots amongst them have carried this Difference to the greatest height, with this only Design, that by this means they might deliver the Nation from the danger and pressure of a long continued Parliament; whereas a new-chosen House of Commons, especially if it were fix'd, and known that it could not remain long, could not be apprehended to have any affectation to exceed their just Bounds, nor to renew a Contest where the Interest of the People is manifestly on the Lords side; for besides the undoubted Right and constant Practice that the Lords enjoy in the Case of Appeals from Courts of Equity, all other Expedients, when well considered, give the Crown, the Favourites and Ministers, the Power over every Man's Estate in England.

Thus you see 'tis the Interest of all sorts of Men to have a new Parliament: This will give the King constant and never-failing Supplies, with the Hearts and Good-will of his People: This will not only preserve the Church in the Honors, Dignities, and Revenues she now enjoys, and make her the Protectrix and Asylum of all the Protestants through Europe, but will also increase the Maintenance of the Ministry in Corporations and great Towns, which is now much wanting, and of great concern to the Church. This will procure the dissenting Protestants Ease, Liberty, and Protection: The Papists may justly expect by this to be delivered from that grievous pressure of penal Laws they lie under, if they can be contented with being deprived of access to Court, bearing Offices or Arms: The great Officers and Ministers may under this enjoy their Places undisturbed and in quiet, and be secure with a moderate Conduct, and reasonable Condescensions to attain that in a new Parliament, which they have by experience found is impossible in the old. In a word, there is not to be imagined an Interest against this, unless there be an inveterate party still remaining in our World, who to compels their Revenge, and repair their broken Fortunes, would hope to see the Act of Oblivion set aside, and this happy Monarchy turned into an Absolute Arbitrary, Military Government; but Charity bids us hope there are no such Men.

A
LETTER
 FROM A
Parliament-Man
 TO HIS
FRIEND;

Concerning the Proceedings of the House of COMMONS
 this last Sessions, begun the 13th of October, 1675. First
 Printed in the Year 1675.

SIR,
I See you are greatly scandalized at our slow and confused *Proceedings*. I confess you have cause enough; but were you but within these Walls for one half day, and saw the strange Make and Complexion that this House is of, you would wonder as much that ever you wondred at it: For we are such a *pie'd Parliament*, that none can say of what *Colour* we are; for we consist of *old Cavaliers*, *old Round-heads*, *Indigent Courtiers*, and true *Country Gentlemen*; the two latter are most numerous, and would in probability bring things to some Issue, were they not clogged with the humerous uncertainties of the former. For the *old Cavalier*, grown Aged, and almost past his Vice, is damnable Godly, and makes his doting *Piety* more a Plague to the World, than his Youthful *Debauchery* was: For he is so much a *By-got* to the *B*—— that he forces his *Loyalty* to strike Sail to his *Religion*, and could be content to pare the *Nails* a little of the *Civil Government*, so you would but let him sharpen the *Ecclesiastical Talons*; which behaviour of his so exasperates the *Round-head*, that he on the other hand cares not what *Increases* the *Interest* of the *Crown* receives, so he can but diminish that of the *Miter*: So that the *Round-head* had rather enslave the *Man*, than the *Conscience*; the *Cavalier* rather the *Conscience*, than the *Man*; there being a sufficient stock of *Animosity* as proper Matter to work upon.

Upon these therefore the *Courtier* mutually plays: For if any *Anti-court Motion* be made, he gains the *Round-head* either to oppose or absent, by telling them, *If they will joyn him now, he will joyn with them for Liberty of Conscience*. And when any *Affair* is started on the behalf of the *Country*, he assures the *Cavaliers*, *If they will then stand by him, he will then joyn with them in promoting a Bill against the Fanaticks*. Thus play they on both hands, that no *Motion* of a *Publick Nature* is made, but they win upon the one or other of them; and by this *Art* gain a *Majority* against the *Country Gentlemen*, which otherwise they would never have: Wherefore it were happy that we had neither *Round-head* nor *Cavalier* in the House; for they are each of them so *Prejudicate* against the other, that their sitting here signifies nothing but their *Fostering* their old *Venom*, and lying at *Catch* to snap every advantage to bear down each other, though it be in the destruction of their *Country*.

For if the *Round-heads* bring in a good *Bill*, the *old Cavalier* opposes it; for no other reason, but because they brought it in. So that as the poor *English Silk-weavers* are fain to hire a *French-man* to sell their *Ribbons*; so are the *Round-heads* a *Cavalier*, to move for those *Bills* they desire should pass; which so sowers the *Round-head*, that he revenges that car-

riage upon any *Bill* the *Cavalier* offers; and the Rage and Passion of the one and other, are so powerful, that it blinds them both, that neither perceives the Advantage they give the *Courtier*, to abuse both *them* and their *Country* too: so that if either of them do any Good, it is only out of pure Envy against the other. Thus you see how we are yoaked, and seeing this, you may cease your admiration that we offer at all, and do just nothing.

Nor is this Division alone of the *House* all we have to lament (for Death, that common Cure, does now every day lessen this evil) but that which is more our misery, is, that those *Gentlemen* who are truly for the Good of their *Country*, will not be persuaded to stand upon the sure Basis of *Rational Principles* (like Workmen too presumptive of their Judgments, that will not Build by Rule) but rather affect the most loose standing on the Sandy Foundation of Heat and Humour; By reason of which they often do as much harm as good, and yet perceive it not; this is the sore evil we are under. For I would not doubt the *Countries* carrying it from the *Court* in every Vote, let the *Courtiers* use all the Art they could, would the *Country Gentlemen* but give themselves the trouble to inform their Understandings a little, and not suffer themselves to be hurried by a heedless Inadvertency into vulgar Notions: Which, if well examined, are directly contrary to their honest intentions; for lack of which, they totally mistake their Interest, fall foul on their *Friends*, support their *Enemies*, and carry on the designs of the *Court*, whilst they aim at the Service of their *Country*. For if they would take the pains but to think what is the greatest Enemy in the World, that *English Law* and *Liberty* always bad, still bath, and ever must bave; it may be the result of such a thought would say, it was *Encroaching Prerogative*. Well, if then they would but beg from themselves but so much seriousness, as to think this second thought, to check this *Prerogative*, which is so dangerous an Enemy to our *Laws* and *Liberties*, peradventure that thought would answer, in suppressing all they could its *Creatures* and *Dependants*, and supporting such whose Interest it is to keep *Prerogative* within its just bounds. Now, could they be prevail'd with but to think a third thought, it would land them at the full and satisfactory Solution of the Question, and will hold in every thing. But I will put it in a Case wherein we are most apt to Err, and wherein we reckon it no less than Piety to play the Fool, to the end you may see how miserably we are cheated and abused, by sucking in the untried Notions that Education, the Arts of others, or our own Ignorance have imposed upon us.

The 3^d thought therefore shall be this Which are most the *Creatures* and *Supporters* of boundless *Prerogative*, *Prelates*, or *Dissenting Protestants*? The Answer to which must, and can be no otherwise, The *Prelates*. Well then, if we would now reduce this to Practice, and say, The greatest Friends to *Prerogative* are the *Prelates*, the greatest Enemy to our *Laws* and *Liberties* is *Prerogative*; the only way therefore to restrain *Prerogative*, is to do, What? To fortify and strengthen the Yoke of the *Prelates* over the Neck of the People? No: (Surely this were an odd and a barbarous kind of Reasoning) But to give Liberty to *Dissenting Protestants*, as the best means to keep up the Ballance against boundless *Prerogative*. For these must and never can be otherwise (unless by Accident, and by Mistake) than *Friends* to *Liberty*: But the *Prelates* neither are nor can be otherwise than *Creatures* to *Prerogative*; for all their *Promotions*, *Dignities*, and *Domination* depends upon it.

The same might be said concerning the only Ancient and true Strength of the Nation, the *Legal Militia*, and a *standing Army*. The *Militia* must, and can never be otherwise than for *English Liberty*, because else it doth destroy it self; but a *standing Force* can be for nothing but *Prerogative*, by whom it hath its idle Living and Subsistence. I could instance also in many other Particulars, but our Inadvertency in this, is demonstration enough how much we are cheated by the common and hackney Notions imposed upon us; and this is almost the cause of all the Error we commit. For missing our true Footing, you see we have run in the mistaken Notion of being for the *Church* so long, till we have almost destroyed the *State*; and advanced *Prerogative* so much by suppressing *Nonconformity*, that it's well nigh beyond our reach or power to put a Check to it, and had not Time, and but an indifferent Observation, shewed us how much we were abused in this matter, and that a *Lay-Conformist* and a *Fanatique* can live as quietly and neighbourly together (would the *Prelates* but suffer them) as any in the World, we had ruined our selves past all recovery. For by our Buoying up the *Bishops* in their harsh and irreconcilable Spirit, instead of Healing, we have so fed and nourished the Discontents throughout the Kingdom, that I think nothing keeps the Fire from flaming out afresh in another Intestine War, but the bare circumstance of Opportunity only; and how long that will be able to restrain Passions that are made Wild by Oppression, is worthy a very serious Consideration; and therefore there is hardly any thing more a wonder to wise Men, than to see the *Clergy* run at this rate upon the *Dissenters*. Wherefore since the *Nonconformists* have given so large and ample a Testimony of their willingness to live Peaceably, if yet notwithstanding the *Clergy* will not suffer them to be quiet in their Families and their Houses, I doubt, they may at one time or other drive them into the Field, and then it may exceed their *Divine Art* to Conjure them down again; for he sees but little, that sees not the *English Temper* is better to be Led than Driven. And therefore I think it would not be more a Vanity,

to compel the *Ladies* to wear *Queen Elizabeth's Ruff*, than to force the *Nonconformists* to be *drest* in her *Religion*.

Nor yet are these all the *Arts* we are under: For we have a *Gang* that *Huff*, and bear themselves high on the *Country* side, but *earn* only for the *Court*; these lay out their *Craft* in putting the *House* upon little trifling things, and spend and waste the *Mettle* thereof upon such pitiful *Pickadilloes*, as 'tis next to a shame for an *English Parliament* so much as to mention. These start a fierce *Dispute* about some little *Matter*, and keep a bluster as if none were such *Faithful Patriots* as they, when they do it on purpose only to while out the *Time*, and thin the *House*, by tiring the honest *Country Gentry* in so tedious, fruitless, and trifling *Attendance*. Do but move things worthy a *Parliament*; as that we may have our old known *Rights* of *Annual Parliaments* ascertained: That none that are or shall be bribed by any *Place* or *Office*, shall ever sit in this *House*: That *Parliaments* ought not to be *Prorogued*, *Adjourned*, or *Dissolved*, till all *Petitions* are heard, and the *Aggrievances* of the *People* redressed, with many things more of as great *Importance*; O then, forsooth, their pretended *Loyalty* (which in plain *English* is easily understood) will not abide such unmannerly and clownish *Debates* as these, and twenty such little shreds of *Non-sense* are impertinently urged instead of *Argument*.

But further, These *Country-Court Engines*, after they have taken the Measures of the *House*, at the opening of every *Session*, by our thanks for the *Gracious Speech*, which being the true Pulse of the *House*, if it happen to come so hard as speaks us but faint and cool to the one thing necessary (the matter of *Money*) then they know what will follow, that the *Court* will get no *Grift* that *Sessions*; and though the *Court* in indignation could turn them Home on the *Morrow*, yet it must consult its *Reputation* a little, restrain its *Resentments*, and suffer them to sit about a *six weeks*, or *two months*, and then they assure the *Court*, since they can get no good by them, they shall take no harm; and therefore to stop them from some worthy Undertaking, they by their feigned *Zeal* against *Court-Corruptions*, put them upon *Impeaching* some *Treasurer*, *Counsellor*, or *Minister of State*; and having spent half our time about this, the rest is spent for the *Clergy* upon *Church-work*, which we have been so often put upon and tired with these many *Sessions*: Thought *Partiality* unbecomes a *Parliament*, who ought to lay the whole Body that we represent alike easie, *Nonconformists*, as well as *Conformists*; for we were chosen by both, and with that intention, that we should oppress neither. To lay one part therefore of the Body on a *Pillow*, and the other on a *Rack*, sorts our *Wisdom* little, but our *Justice* worse. You now see all our *Shapes*, save only the *Indigents*, concerning whom I need say but little, for their *Votes* are publickly saleable for a *Guinea*, and a *Dinner* every day in the *Week*, unless the *Mouse* be upon *Money*, or a *Minister of State*: For that is their *Harvest*; and then they make their *Earnings* suit the *Work* they are about, which inclines them most constantly as sure *Clients* to the *Court*. For what with gaining the one, and saving the other, they now and then adventure a *Vote* on the *Country* side; but the dread of *Dissolution* makes them strait tack about. The only thing we are obliged to them for, is, that they do nothing *Gratis*, but make every *Tax* as well *Chargeable* to the *Court*, as burthenfom to the *Country*, and save no *Mans Neck*, but they break his *Purse*. And yet when all is said, did but the *Country Gentry* rightly understand the *Interest* of *Liberty*, let the *Courtiers* and *Indigents* do what they could, they might yet at last deserve the Name of a worthy *English Parliament*; Which that we may do, is not more passionately your desire, then it also is of,

Sir,

Your most humble Servant,

T. E.

FINIS.

[illegible]

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ACCOUNT OF THE GROWTH OF POPERY, AND ARBITRARY GOVERNMENT IN ENGLAND.

More particularly from the Long *Prorogation*, of *Novemb. 1675.*
ending the 15th of *Febrúary*, 1676. till the Last Meeting of
Parliament, the 16th of *July*, 1677.

By *Andrew Marvel Esq;*.

First Printed in the Year 1677.

THere has now for divers years a Design been carried on, to change the Law-ful Government of *England* into an Absolute Tyranny, and to Convert the *Established Protestant Religion* into down-right *Popery*: than both which, nothing can be more destructive or contrary to the Interest and Happiness, to the Constitution and Being of the King and Kingdom.

For if we first consider the State, the Kings of *England* rule not upon the same Terms with those of our Neighbour Nations, who having by Force or by Address usurped that due share which their People had in the Government, are now for some Ages in possession of an Arbitrary Power (which yet no Prescription can make Legal) and exercise it over their Persons and Estates in a most Tyrannical manner. But here the Subjects retain their proportion in the Legislature; the very meanest Commoner of *England* is represented in Parliament, and is a Party to those Laws by which the Prince is sworn to govern Himself and his People. No Money is to be Levied but by the common Consent. No man is for *Life, Limb, Goods, or Liberty*, at the Sovereign's Discreti-

on: But we have the same Right (modestly understood) in our *Propriety*, that the Prince hath in his *Regality*; and in all Cases where the King is concerned, we have our just remedy as against any private person of the Neighbourhood, in the Courts of *Westminster-Hall*, or in the High Court of *Parliament*. His very Prerogative is no more than what the Law has determined. His Broad Seal, which is the legitimate stamp of his pleasure, yet is no longer current, than upon the Tryal it is found to be Legal. He cannot commit any person by his particular Warrant. He cannot himself be Witness in any Cause: The Balance of publick Justice being so delicate, that not the head only, but even the breath of the Prince would turn the Scale. Nothing is left to the King's will, but all is subjected to his Authority: by which means it follows that he can do no wrong, nor can he receive wrong; and a King of *England*, keeping to these measures, may without *Arrogance* be said to remain the only intelligent Ruler over a rational people. In recompence therefore and acknowledgment of so good a Government under his Influence, his Person is most Sacred and Inviolable; and whatsoever Excesses are committed against so high a Trust, nothing of them is imputed to him, as being free from the Necessity or Temptation, but his Ministers are only Accountable for all, and must answer it at their perils. He hath a vast Revenue constantly arising from the Hearth of the Householder, the Sweat of the Labourers, the Rent of the Farmer, the Industry of the Merchant, and consequently out of the Estate of the Gentleman: a large competence to defray the ordinary expence of the Crown, and maintain its lustre. And if any extraordinary Occasion happen, or be but with any probable decency pretended, the whole Land, at whatsoever season of the year, does yield him a plentiful Harvest. So forward are his People's Affections to give, even to superfluity, that a Foreigner (or *English-man* that hath been long abroad) would think they could neither will nor chuse, but that the asking of a Supply, were a meer formality, it is so readily granted. He is the Fountain of all Honours, and has moreover the distribution of so many profitable Offices, of the Household, of the Revenue, of State, of Law, of Religion, of the Navy (and, since his present Majesty's time, of the Army) that it seems as if the Nation could scarce furnish honest men enow to supply all those Employments. So that the Kings of *England* are in nothing inferior to other Princes, save in being more abridged from injuring their own Subjects: But have as large a Field as any of external Felicity, wherein to exercise their own Virtue, and so reward and incourage it in others. In short, there is nothing that comes nearer in Government to the Divine perfection, than where the Monarch, as with us, enjoys a capacity of doing all the good imaginable to mankind, under a disability to all that is evil.

And as we are thus happy in the Constitution of our State, so are we yet more blessed in that of our Church; being free from that *Romish Yoke*, which so great a part of Christendom do yet draw and labour under: That *Popery* is such a thing as cannot, but for want of a word to express it, be called a Religion: nor is it to be mentioned with that civility which is otherwise decent to be used, in speaking of the differences of humane Opinion about Divine matters. Were it either open Judaism, or plain Turkery, or honest Paganism, there is yet a certain *Bona fides* in the most extravagant Belief, and the sincerity of an erroneous Profession may render it more pardonable: but this is a compound of all the three, an extract of whatsoever is most ridiculous and impious in them, incorporate with more peculiar absurdities of its own, in which those were deficient; and all this deliberately contrived, knowingly carried on, by the bold Imposture of Priests under the Name of Christianity. The wisdom of this fifth Religion, this last and insolentest attempt upon the credulity of mankind seems to me (though not ignorant otherwise of the times, degrees and methods of its progress) principally to have consisted in their owning the Scriptures to be the Word of God, and the Rule of Faith and Manners, but in prohibiting at the same time their common use, or the reading of them in publick Churches but in a *Latin* Translation to the Vulgar: there being no better or more rational way to frustrate the very Design of the great Institutor of Christianity, who first planted it by the extraordinary gift of Tongues, than to forbid the use even of the ordinary Languages. For having thus a Book which is universally avowed to be of Divine Authority, but sequestering it only into such hands as were intrusted in the Cheat, they had the opportunity to vitiate, suppress, or interpret to their own profit, those Records by which the poor people hold their Salvation. And this necessary point being once gained, there was thence-forward nothing so monstrous to Reason, so abhorring from Morality, or so contrary to Scripture, which they might not in prudence adventure on. The Idolatry (for alas, it is neither better nor worse) of adoring and praying to Saints and Angels, of Worshipping Pictures, Images, and Reliques, incredible Miracles, and palpable Fables, to promote that Veneration. The whole Liturgy and Worship of the Blessed Virgin: The saying of *Pater Nosters* and Creeds, to the honour of Saints, and of *Ave Mary's* too, not to her honour, but of others. The

Publick Service, which they can spare to God among so many Competitors, in an unknown Tongue; and intangled with such Vestments, Consecrations, Exorcisms, Weisferings, Sprinklings, Censings, and Phantastical Rites, Gesticulations, and Removals, so unbeseeming a Christian Office, that it represents rather the Pranks and Ceremonies of Jugglers and Conjurers. The refusal of the Cup to the Laity. The Necessity of the Priests Intention to make any of their Sacraments effectual. Debarring their Clergy from Marriage. Interdicting of Meats, Auricular Confession and Absolution, as with them practised. Penances, Pilgrimages, Purgatory, and Prayer for the Dead. But above all their other Devices, that Transubstantial Solacism, whereby that glorified Body, which at the same time they allow to be in Heaven, is sold again, and Crucified daily upon all the Altars of their Communion. For God indeed may now and then do a Miracle, but a Romish Priest can, it seems, work in one moment a thousand Impossibilities. Thus by a new and Anti-scriptural Belief, compiled of Terrors to the Phansie, Contradictions to Sense, and Impositions on the Understanding, their Laity have turned Tenants for their Souls, and in consequence Tributary for their Estates to a more than Omnipotent Priesthood.

I must indeed do them that right, to avow, that out of an equitable consideration and recompence of so faithful a Slavery, they have discharged the People from all other Services and dependance, enfranchised them from all Duty to God or Man; insomuch that their feverer and more Learned Divines, their Governors of Conscience, have so, well instructed them in all the Arts of Circumventing their Neighbour, and of colluding with Heaven, that, were the Scholars as apt as their Teachers, there would have been long since an end of all, either true Piety, or common Honesty; and nothing left among them but Authorized Hypocrisie, Licentiousness, and Knavery; had not the Natural worth of the better sort, and the Good simplicity of the meaner, in great measure preserved them. For nothing indeed but an extraordinary temper and ingenuity of Spirit, and that too assisted by a Diviner influence, could possibly restrain those within any the Terms or Laws of Humanity, who at the same time own the Doctrine of their Casuists, or the Authority of the Pope, as it is by him claimed and exercised. He by his Indulgences delivers Souls out of the pains of the other World: So that who would refuse to be vicious here, upon so good Security? He by his Dispensation annuls Contracts betwixt man and man, dissolves Oaths between Princes, or betwixt them and their People, and gives allowance in cases which God and Nature prohibits. He, as Clerk of the Spiritual Market, hath set a rate upon all Crimes: the more flagitious they are and abominable, the better Commodities, and men pay only an higher price, as for greater Rarities. So that it seems as if the Commands of God had been invented merely to erect an Office for the Pope; the worse Christians men are, the better Customers; and this Rome does by the same Policy people its Church, as the Pagan Rome did the City, by opening a Sanctuary to all Malefactors. And why not, if his power be indeed of such virtue and extent, as is by him challenged? That he is the Ruler over Angels, Purgatory, and Hell. That his Tribunal and God's are all one. That all that God, he can do, *Clave non errante*, and what he does is as God and not as Man. That he is the Universal Head of the Church, the sole Interpreter of Scripture, and Judge of Controversie. That he is above General Councils. That his power is Absolute, and his Decrees Infallible. That he can change the very Nature of things, making what is Just to be Unjust, and what is Vice to be Virtue. That all Laws are in the Cabinet of his Breast. That he can Dispence with the New Testament. That he is Monarch of this World; and that he can dispose of Kingdoms and Empires as he pleases. Which things being granted, that stile of *Optimum, Maximum & supremum Numen in terris*, or that of *Dominus noster Papa*, was no such extraordinary stroke of Courtship as we reckoned: but it was rather a great Clownishness in him that Treated so Mighty a Prince under the simple Title of *Vice-Deus*. The exercise of his Dominion is in all points suitable to this his pretence. He antiquates the Precepts of Christ as things only of good advice, not commanded: but makes it a Mortal sin even to doubt of any part of his own Religion, and demands, under pain of Damnation, the Subjection of all Christians to his Papal Authority: the denying of two things so reasonable as blind Obedience to his Power, and an Implicite Faith to his Doctrine, being the most unpardonable crime, under his Dispensation. He has indeed of late been somewhat more retentive than formerly as to his faculty of disposing of Kingdoms, the thing not having succeeded so well with him in some instances: but he lays the same claim still, continues the same inclination, and though Velvet-headed hath the more itch to be pushing. And however in order to any occasion he keeps himself in breath always by cursing one Prince or other upon every Maunday-Thursday: Nor is there any, whether Prince or Nation, that dissents from his Usurpation, but are marked out under the notion of Hereticks to Ruine and Destruction whensoever he shall give the Signal. That word of Heresie misapplied, hath served him so many Ages to justify all the Executions, Assassinations, Wars, Massacres, and

Devasta-

Devastations, whereby his Faith hath been propagated; of which our times also have not wanted Examples, and more is to be expected for the future. For by how much any thing is more false and unreasonable, it requires more Cruelty to establish it: and to introduce that which is absurd, there must be somewhat done that is barbarous. But nothing of any Sect in Religion can be more recommended by all these qualities, than the Papacy. The *Pagans* are excusable by their natural darkness, without Revelation. The *Jews* are tolerable, who see not beyond the Old Testament. *Mahomet* was so honest as to own what he would be at, That he himself was the greatest Prophet, and that his was a Religion of the Sword. So that these were all, as I may say, of another Allegiance; and if Enemies, yet not Traitors: But the *Pope* avowing *Christianity* by Profession, doth in Doctrine and Practice renounce it; and presuming to be the only Catholick, does persecute those to the Death who dare worship the Author of their Religion instead of his pretended Vicegerent.

And yet there is nothing more evident, notwithstanding his most notorious Forgeries, and Falsification of all Writers, than that the Pope was for several hundreds of years an honest Bishop, as other Men are, and never so much as dream'd upon the Seven Hills of that Universal Power which he is now come to; nay, was the first that oppos'd any such Pretension. But some of them at last, growing wiser, by foisting a Counterfeit Donation of *Constantine*, and wresting another Donation from our Saviour, advanced themselves in a weak, ignorant, and credulous Age, to that Temporal and Spiritual Principality that they are now seized of. *Tu es Petrus, & super hanc Petram edificabo Ecclesiam meam*. Never was a Bishoprick and a Verse of Scripture so improved by good management. Thus, by exercising in the quality of Christ's Vicar the publick Function under an invisible Prince, the Pope, like the Maires of the Palace, hath set his Master aside, and delivered the Government over to a new Line of Papal Succession. But who can, unless wilfully, be ignorant what wretched doings, what Bribery, what Ambition there are; how long the Church is without an Head upon every vacancy, till among the Crew of bandying Cardinals the Holy Ghost have declared for a Pope of the *French* or *Spanish* Faction? It is a Succession like that of the *Egyptian Ox* (the living Idol of that Country) who dying, or being made away by the Priests, there was a solemn and general Mourning for want of a Deity; until in their Conclave they had found out another Beast with the very same Marks as the former, whom then they themselves adored, and with great Jubilee brought forth to the People to worship. Nor was that Election a grosser Reproach to human Reason, than this is also to Christianity. Surely it is the greatest Miracle of the *Romish Church*, that it should still continue, and that in all this time the Gates of Heaven should not prevail against it.

It is almost unconceivable how Princes can yet suffer a Power so pernicious, and Doctrine so destructive to all Government. That so great a part of the Land should be alienated and condemned to, as they call it, Pious Uses. That such Millions of their People as the Clergy, should, by remaining unmarried, either frustrate Human Nature, if they live *Chastly*; or, if otherwise, adulterate it; That they should be privileged from all Labour, all publick Service, and exempt from the Power of all Secular Jurisdiction; That they, being all bound, by strict Oaths and Vows of Obedience to the Pope, should evacuate the Fealty due to the Sovereign; Nay, that not only the Clergy, but their whole People, if of the *Romish* Persuasion, should be obliged to Rebel upon the Pope's pleasure. And yet how many of the Neighbouring Princes are content, or do chuse, to Reign upon these Conditions? which being so dishonourable and dangerous, surely some great and more weighty Reason does cause them to submit to. Whether it be out of personal Fear, having heard, perhaps, of several Attempts which the blind Obedience of *Popish Zealots* hath executed against the Princes; or, whether aiming at more Absolute and Tyrannical Government, they think it still to be the Case of *Boniface* and *Phocas* (an *Usurping Emperor*, and an *Usurping Bishop*) and that, as other Cheats, this also is best managed by Confederacy. But, as far as I can apprehend, there is more of Sloth than Policy on the Prince's side in this whole matter; and all that pretence of enslaving men by the assistance of Religion more easily, is neither more nor less than when the *Bramine*, by having the first Night of the Bride, assures himself of her Devotion for the future, and makes her more fit for the Husband.

This Reflection upon the State of our Neighbours, in aspect to Religion, doth sufficiently illustrate our Happiness, and spare me the labour of describing it further than by the Rule of Contraries; our Church standing upon all Points in a direct Opposition to all the fore-mentioned Errors; our Doctrine being true to the Principles of the first Christian Institution, and Episcopacy being formed upon the Primitive Model, and no Ecclesiastical Power justifying the Civil, but all concurring in common Obedience to the Sovereign: nor therefore is there any, whether Prince or Nation, that can with less probability be reduc'd back to the *Romish* Persuasion, than ours of *England*.

For if we respect our Obedience to God, what appearance is there, that after so durable and general an enlightning of our Minds with the Sacred Truth, we should again put out our own Eyes, to wander thorow the palpable darkness of that grois Superstition? But forasmuch as most Men are less concern'd for their Interest in Heaven than on Earth, this seeming the nearer and more certain; on this account also our alteration from the *Protestant Religion* is the more impossible. When beside the common ill Examples and consequences of *Popery* observable abroad, whereby we might grow wise at the Expence of our Neighbours, we cannot but reflect upon our own Experiments at home, which would make even Fools docible. The whole Reign of Queen *Mary*, in which the *Papists* made Fuel of the *Protestants*. The Excommunicating and Deprivation of *Queen Elizabeth* by the *Pope*, pursued with so many Treasons and Attempts upon her Person, by her own Subjects, and the Invasion in *Eighty Eight* by the *Spaniards*. The Two *Breves* of the *Pope*, in order to exclude King *James* from the Succession to the Crown, Seconded by the *Gun-powder Treason*. In the time of His late Majesty, King *Charles* the First (besides what they contributed to the Civil War of *England*) the Rebellion and horrid Massacre in *Ireland*, and, which is even worse than that, their pretending that it was done by the King's Commission, and vouching the *Broad Seal* for their Authority. The *Pope's Nuncio* assuming nevertheless, and exercising there the Temporal as well as Spiritual Power, granting our Commissions under His own Hand, breaking the Treaties of Peace between the King, and, as they then stiled themselves, the *Confederate Catholics*; heading Two Armies against the *Marquess of Ormond*, then Lord Lieutenant, and forcing him at last to quit the Kingdom: All which ended in the Ruine of His Majesty's Reputation, Government and Person; which but upon the occasion of that Rebellion, could never have happened: So that we may reckon the Reigns of our late Princes, by a Succession of the *Papists* Treasons against them. And, if under His present Majesty we have as yet seen no more visible effects of the same Spirit than the *Firing of London* (acted by *Hubert*, hired by *Piddell*, two *French-men*) which remains a Controversie, it is not to be attributed to the good Nature or better Principles of that Sect, but to the Wisdom of his *Holiness*; who observes that we are not of late so dangerous *Protestants*, as to deserve any special Mark of his Indignation, but that we may be made better use of to the weakening of those that are of our own Religion, and that if he do not disturb us, there are those among our selves, that are leading us into a fair way of Reconciliation with him.

But those continued fresh Instances, in relation to the Crown, together with the *Pope's* claim of the Temporal and immediate Dominions of the Kingdoms of *England* and *Ireland*, which he does so challenge, are a sufficient caution to the Kings of *England*, and of the People, there is as little hopes to seduce them, the *Protestant Religion* being so interwoven as it is with their secular Interest. For the Lands that were formerly given to superstitious Uses, having first been applied to the publick Revenue, and afterwards by several Alienations and Contracts distributed into private possession, the alteration of Religion would necessarily introduce a change of Property. *Nullum tempus occurrit Ecclesie*, it would make a general Earth-quake over the Nation, and even now the *Romish* Clergy on the other side of the Water, snuff up the savoury Odour of so many rich *Abbies* and *Monasteries* that belonged to their Predecessors. Hereby no considerable Estate in *England* but must have a piece torn out of it upon the Title of Piety, and the rest subject to be wholly forfeited upon the Account of *Heretic*. Another *Chimney-Money* of the old *Peter-Pence* must again be paid, as Tribute to the *Pope*, beside that which is established on His Majesty: and the People, instead of those moderate Tythes that are with too much difficulty paid to their *Protestant* Pastors, will be exposed to all the exactions of the Court of *Rome*, and a thousand Artifices by which in former times they were used to drain away the Wealth of ours more than any other Nation. So that in conclusion, there is no *Englishman* that hath a Soul, a Body, or an Estate to save, that Loves either God, his King, or his Country, but is by all those *Tenures* bound, to the best of his Power and Knowledge, to maintain the Established *Protestant Religion*.

And yet, all this notwithstanding, there are those Men among us, who have undertaken, and do make it their business, under so Legal and perfect a Government, to introduce a *French Slavery*, and instead of so pure a Religion, to establish the *Roman Idolatry*: Both and either of which are crimes of the highest Nature. For, as to matter of Government, if to murder the King be, as certainly it is, a Fact so horrid, how much more hainous is it to assassinate the Kindom? And as none will deny, that to alter our Monarchy into a *Common-wealth* were *Treason*; so by the same Fundamental Rule, the Crime is no less, to make that Monarchy *Absolute*.

What is thus true, in regard of the State, holds as well in reference to our Religion, former Parliaments have made it *Treason* in whosoever shall attempt to seduce any one the meanest of the King's Subjects to the Church of *Rome*, and this Parliament, hath, to all Penalties by the Common or Statute-Law, added incapacity for any Man who shall presume to say that the King is a *Papist*, or an Introducer of *Popery*. But what lawless

and incapable miscreants then, what wicked Traitors are those wretched Men, who endeavour to pervert our whole Church, and to bring that about in effect, which even to mention is penal, at one *Italian* stroke attempting to subvert the Government and Religion, to kill the Body and damn the Soul of our Nation.

Yet were these Men honest old Cavaliers that had suffered in His late Majesties Service, it were allowable in them, as oft as their wounds brake out at Spring and Fall, to think of a more Arbitrary Government, as a Sovereign Balsom for their Aches, or to imagine that no Weapon-Salve but of the Moss that grows on an Enemies Skull, could cure them. Should they mistake this Long *Parliament* also for Rebels, and that, although all Circumstances be altered, there were still the same necessity to Fight it all over again in pure Loyalty, yet their Age and the Times they lived in, might excuse them. But those worthy Gentlemen are too Generous, too good Christians and Subjects, too affectionate to the good *English* Government, to be capable of such an impression. Whereas those Conspirators are such as have not one drop of *Cavalier Blood*, or no *Bowels* at least of a *Cavalier* in them; but have starved them, to revel and surfeit upon their Calamities, making their Persons, and the very Cause by pretending to it themselves, almost ridiculous.

Or, were these *Conspirators* on the other side but avowed *Papists*, they were the more honest, the less dangerous, and the Religion were answerable for the Errors they might commit in order to promote it. Who is there but must acknowledge, if he do not commend the Ingenuity (or by what better Name I may call it) of Sir *Thomas Strickland*, Lord *Bellasis*, the late Lord *Clifford* and others, eminent in their several stations? These, having so long appeared the most zealous Sons of our Church, yet, as soon as the late Test against Popery was enacted, took up the Cross, quitted their present Employment and all hopes of the future, rather than falsifie their Opinion: though other wise Men for Quality, Estate and Abilities whether in War and Peace, as capable and well deserving (without disparagement) as others that have the Art to continue in Offices. And above all, his *Royal Highness* is to be admired for his unparallel'd Magnanimity on the same account: There being in all History perhaps, no Records of any Prince that ever changed his Religion in his circumstances. But these Persons, that have since taken the work in hand, are such as lie under no temptation of Religion: secure Men, that are above either Honour or Conscience; but obliged by all the most Sacred ties of Malice and Ambition to advance the ruine of the King and Kingdom, and qualified much better than others, under the name of good Protestants to effect it.

And because it was yet difficult to find Complices enough at home, that were ripe for so black a Design, but they wanted a Back for their Edge; therefore they applied themselves to *France*, that King being endowed with all those Qualities, which, in a Prince, may pass for Virtues; but in any private Man, would be capital; and moreover so abounding in Wealth, that no Man else could go to the price of their wickedness: To which Considerations, adding that he is Master of *Absolute Dominion*, the *Presumptive Monarch* of *Christendom*, the declared *Champion* of *Popery*, and the hereditary, natural, inveterate *Enemy* of our *King* and *Nation*, he was in all respects the most likely (of all Earthly Powers) to reward and support them in a Project every way suitable to his own Inclination and Interest.

And now should I enter upon a particular Retail of all former and latter Transactions, relating to this Affair, there would be sufficient for a just Volume of History. But my intention is only to write a naked Narrative of some of the most considerable passages in the meeting of *Parliament* the 15th of Feb. 1676. Such as have come to my notice, which may serve for matter to some stronger Pen, and to such as have more leisure and opportunity to discover and communicate to the Publick. This in the mean time will by the progress made in so few weeks, demonstrate at what rate these Men drive over the Necks of King and people, of Religion and Government; and how near they are in all humane probability to arrive Triumphant at the end of their Journey. Yet, that I may not be too abrupt, and leave the Reader wholly destitute of a thread to guide himself by, throw so intriguing a Labyrinth, I shall summarily as short, as so copious and redundant a matter will admit, deduce the order of Affairs both at home and abroad, as it led into this Session.

It is well known, were it as well remembred, what the provocation was, and what the success of the War begun by the *English* in the Year 1665. against *Holland*: What vast Supplies were furnished by the Subject for defraying it, and yet after all, no Fleet set out, but the Flower of all the Royal Navy burnt or taken in Port to save charges. How the *French*, during that War, joynded themselves in assistance of *Holland* against us, and yet, by the credit he had with the Queen Mother, so far deluded His Majesty, that upon assurance the *Dutch* neither would have any Fleet out that year, he forbore to make ready, and so incurred that notable loss, and disgrace at *Chatham*. How (after this fatal conclusion of all our *Sea-Champagnes*) as we had been obliged to the *French*

for that War, so we were glad to receive the Peace from his Favour, which was agreed at *Breda* betwixt *England*, *France* and *Holland*.

His Majesty was hereby now at leisure to remark how the *French* had in the Year 1667. taken the time of us and while we are imbroiled and weakned, had, in violation of all the most Solemn and Sacred Oaths and Treaties, invaded, and taken a great part of the *Spanish Netherlands*, which had always been considered as the natural Frontier of *England*. And hereupon he judged it necessary to interpose, before the flame that consumed his next Neighbour should throw its sparkles over the water. And therefore, generously slighting all punctilio's of Ceremony, or peeks of Animosity, where the safety of his People, and the repose of Christendom were concerned, he sent first into *Holland*, inviting them to a nearer Alliance, and enter into such further Counsels as were most proper to quiet this disturbance which the *French* had raised. This was a work wholly of His Majesties designing, and (according to that Felicity which hath always attended him, when excluding the corrupt Politicks of other, he hath followed the Dictates of his own Royal Wisdom) so well it succeeded. It is a thing scarce credible, though true, that two Treaties of such weighty intricacy, and so various Aspect as that of the Defensive League with *Holland*, and the other for repressing the further progress of the *French* into the *Spanish-Netherlands*, should in five days time, in the Year 1668. be concluded. Such was the Expedition and Secresie then used in prosecuting His Majesties particular Instructions, and so easie a thing it is for Princes, when they have a mind to it, to be observed. The *Suede* too shortly after, made the Third in this Consort; whether wisely judging that in the Minority of their King, Reigning over several late acquired Dominions, it was their true Interest to have an hand in all the Councils that tended to Peace and undisturbed possession, or, whether indeed those Ministers, like ours, did even then project in so Glorious an Alliance to betray it afterward to their own greater advantage. From their joyning in it, it was called the Triple Alliance. His Majesty with great sincerity continued to sollicite other Princes according to the seventh Article to come into the Guaranty of this Treaty, and delighted himself in cultivating by all good means what he had planted. But in a very short time these Counsels, which had taken effect with so great satisfaction to the Nation, and to His Majesties Eternal Honour, were all changed, and it seemed that Treaties, as soon as the Wax is cold, do lose their Virtue. The King in *June*, 1670. went down to *Dover* to meet, after a long absence, *Madam*, His only remaining Sister: where the Days were the more pleasant, by how much it seldomer happens to Princes than private Persons to enjoy their Relations, and when they do, yet their kind interviews are usually Solemnized with some fatality and disaster, nothing of which here appeared: But upon her first return into *France* she was dead, the Marquis of *Belfonds* was immediately sent hither; a Person of great Honour dispatched thither: and, before ever the Enquiry, and grumbling at her death could be abated, in a trice there was an invisible League, in prejudice of the Triple one, struck up with *France*, to all the height of Dearness and Affection. As if upon dissecting the Princess, there had some State-Philtre been found in her Bowels, or the Reconciliation with *France* were not to be celebrated with a less Sacrifice than of the Blood-Royal of *England*. The Sequel will be suitable to so ominous a beginning. But, as this Treaty was a work of Darknes, and which never yet could be understood or discovered but by the effects, so before those appeared it was necessary that the Parliament should, after the old wont, be gulled to the giving of Money. They met the 24th *Octob.* 1670. and it is not without much Labour that I have been able to recover a written Copy of the Lord *Bridgman's* Speech, none being Printed, but forbidden, doubtless, lest so notorious a practice as certainly was never before, though there have indeed been many, put upon the Nation, might remain publick. Although that Honourable Person cannot be presumed to have been accessary to what was then intended, but was in due time, when the Project ripened and grew hopeful, discharged from his Office, and he, the Duke of *Ormond*, the late Secretary *Trevor*, with the Prince *Rupert*, discarded together out of the Committee for the Foreign Affairs. He spoke thus:

My Lords, and you the Knights, Citizens and
Burgeſſes of the Houſe of Commons.

When the Two Houſes were laſt Adjourned, this Day, as you well know, was prefixed for our Meeting again. The Proclamation ſince iſſued requiring all your Attendances at the ſame time, ſhewing not only His Majesties belief that his Buſineſs will thrive beſt when the Houſes are full, but the importance alſo of the Affairs for which you are ſo called: and important they are. You cannot be ignorant of the great Forces both for Land and Sea-ſervice, which our Neighbours of France and the Low-Countries have now raiſed, and have now in a ſual Pay nor of the great Preparations which they continue to make in Levying of Men, Building of Ships, filling their Magazines and Stores with immenſe quantities of all ſorts of warlike Proviſions. Since the beginning of the laſt Dutch War, the French have increaſed the Greatneſs and Number of their Ships ſo much, that their Strength by Sea is thrice as much as it was before. And ſince the end of it, the Dutch have been very diligent alſo in augmenting their Fleets. In this Conjunction, when our Neighbors Arm ſo potently, even common prudence requires that His Majesty ſhould make ſome ſuitable preparations; that he may at laſt keep peace with his Neighbours, if not out-go them in Number and Strength of Shipping. For this being an Iſland, both our Safety, our Trade, our Being, and our Well-being depend upon our Forces at Sea.

His Majesty therefore of His Princely Care for the Good of his People, hath given order for the fitting out of Fifty Sail of his Greateſt Ships, againſt the Spring, beſides thoſe which are to be for ſecurity of our Merchants in the Mediterranean: As foreſeeing, if he ſhould not have a conſiderable Fleet, whiſt his Neighbours have ſuch Forces both at Land and Sea, Temptation might be given to thoſe who ſeem not now to intend it, to give us an Affront, at leaſt, if not to do us a Miſchief.

To which may be added: That His Majesty, by the Leagues which he hath made for the common Peace of Chriſtendom, and the good of his Kingdoms, is obliged to a certain number of Forces in caſe of Infraction thereof; as alſo for the aſſiſtance of ſome of his Neighbours, in caſe of Invaſion. And his Majesty would be in a very ill condition to perform his part of the Leagues (if whiſt the Clouds are gathering ſo thick about us) he ſhould, in hopes that the Wind will diſperſe them, omit to provide againſt the Storm.

My Lords and Gentlemen, Having named the Leagues made by his Majesty, I think it neceſſary to put you in mind, That ſince the cloſe of the late War, His Majesty hath made ſeveral Leagues, to his own Great Honour, and infinite Advantage to the Nation.

One, known by the Name of the Triple Alliance, wherein His Majesty, the Crown of Sweden, and the States of the United Provinces, are engaged to preſerve the Treaty of Aix la Chapelle, concerning a Peace between the two Warring Princes, which Peace produced that effect, that it quenched the Fire which was ready to have ſet all Chriſtendom in a Flame. And beſides other great Benefits by it, which ſhe ſtill enjoys, gave opportunity to tranſmit thoſe Forces againſt the Infidels, which would otherwiſe have been imbrued in Chriſtian Blood.

Another, between his Majesty and the ſaid States for a mutual Aſſiſtance with a certain number of Men and Ships, in caſe of Invaſion by any others.

Another between his Majesty and the Duke of Savoy, Eſtabliſhing a free Trade for his Majesties Subjects at Villa Franca, a Port of his own upon the Mediterranean, and through the Dominions of that Prince; and thereby opening a paſſage to a rich part of Italy, and part of Germany, which will be of a very great advantage for the Vending of Cloth and other our home Commodities, bringing back Silk and other Materials for Manufactures here.

Another between His Majesty and the King of Denmark, whereby those other Impositions that were lately laid upon our Trade; here, are taken off; and as great Privileges granted to our Merchants, as ever they had in former times, or as the Subjects of any other Prince or State do now enjoy.

And another League upon a Treaty of Commerce with Spain, whereby there is not only a Cessation and giving up to his Majesty of all their pretensions to Jamaica, and other Islands and Countries in the West-Indies, in the Possession of his Majesty or Subjects, but with all, free Liberty is given to his Majesties Subjects, to enter their Ports for Victuals and Water, and safety of Harbor, and Return, if Storm or other Accidents bring them thither; Privileges which were never before granted by them to the English or any others.

Not to mention the Leagues formerly made with Sweden and Portugal, and the Advantages wh. ch we enjoy thereby: nor those Treaties now depending between his Majesty and France, or his Majesty and the States of the United Provinces touching Commerce, wherein his Majesty will have a singular regard to the Honour of this Nation, and also to the Trade of it, which never was greater than now it is.

In a word, almost all the Princes in Europe do seek his Majesties Friendship, as acknowledging they cannot Secure, much less Improve their present condition without it.

His Majesty is confident that you will not be contented to see him deprived of all the advantages which he might procure hereby to his own Kingdoms; nay, even to all Christendom, in the Repose and Quiet of it. That you will not be content abroad to see you Neighbors strengthening themselves in Shipping, so much more than they were before, and at home to see the Government struggling every year with Difficulties; and not able to keep up our Navies equal with theirs, He finds that by his Accounts from the year 1660, to the late War, the ordinary Charge of the Fleet Communibus annis, came to about 500000 l. a year, and it cannot be supported with less.

If that particular alone take up so much, add to it the other constant Charges of the Government, and the Revenue (although the Commissioners of the Treasury have managed it with all imaginable Thrift) will in no degree suffice to take off the Debts due upon Interest, much less give him a Fond for the fitting out of this Fleet, which by common Estimation thereof, cannot cost less than 800000 l. His Majesty in his most Gracious Speech, hath expressed the great Sence he hath of your Zeal and Affection for him, and as he will ever retain a grateful memory of your former readiness to supply him in all Exigencies, so he doth with particular Thanks acknowledge your frank and chearful Gift of the New Duty upon Wines, at your last Meeting: But the same is likely to fall very short in value of what it was conceived to be worth, and should it have answered expectation, yet far too short to ease and help him upon these Occasions. And therefore such a Supply as may enable him to take off his Debts upon Interest, and to set out this Fleet against the Spring, is that which he desires from you, and recommends it to you, as that which concerns the Honour and Support of the Government, and the Welfare and Safety of your Selves and the whole Kingdom.

My Lords and Gentlemen, you may perceive by what his Majesty hath already said, that he holds it requisite that an End be put to this Meeting before Christmas. It is so, not only in reference to the Preparation for his Fleet, which must be in readiness in the Spring, but also to the Season of the Year. It is a time when you would be willing to be in your Countries, and your Neighbors would be glad to see you there, and partake of your Hospitality and Charity, and you thereby indear your selves to them, and keep up that Interest and Power among them, which is necessary for the service of your King and Country; and a Recess at that time, leaving your Business unfinished till your Return, cannot either be convenient for you, or suitable to the condition of his Majesties Affairs, which requires your Speedy, as well as Affectionate Consideration.

There needed not so large a Catalogue of past, present, and future Leagues and Treaties, for even *Vila Franca* founded so well (being besides so considerable a Port, and that too upon the *Mediterranean*) another remote word of much efficacy) and opening moreover a passage to a rich part of *Italy*, and a part of *Germany*, &c.) that it alone would have sufficed to charm the more ready Votes of the *Commons* into a Supply, and to justify the necessity of it in the noise of the Country. But indeed the making of that *Triple League*, was a thing of so good a Report, and so generally acceptable to the Nation, as being a hook in the *French* Nostrils, that this Parliament (who are used, whether it be War or Peace, to make us pay for it) could not have desired a fairer pretence to colour their Liberality.

And therefore after all the immense Sums lavished in the former War with *Holland*, they had but in *April* last, 1670. given the Additional Duty upon Wines for eight years, amounting to 560000*l*. and confirmed the Sale of the *Fee Farm Rents*, which was no less their Gift, being a part of the publick Revenue, to the value of 1800000*l*. Yet upon the telling of this Story by the Lord Keeper, they could no longer hold, but gave with both hands now again a Subsidy of 1*s*. in the pound to the real value of all Lands, and other Estates proportionably, with several more beneficial Clauses into the Bargain, to begin the 24th of *June*, 1671, and expire the 24th of *June*, 1672. Together with this, they granted the Additional Excize upon Beer, Ale, &c. for six years, to reckon from the same 24th of *June*, 1671. And Lastly, the *Law Bill*, commencing from the First of *May*, 1671, and at nine years end to determine. These three Bills summed up therefore cannot be estimated at less than Two Millions and an halfe.

So that for the *Triple League*, here was also *Triple Supply*, and the Subject had now all reason to believe that this Alliance, which had been fixed at first by the *Publick Interest*, *Safety* and *Honour* (yet, should any of these give way) was by these *Three Grants*, as with *Three Golden Nails*, sufficiently clenched and riveted. But now therefore was the most proper time and occasion for the Conspirators, I have before described to give demonstration of their Fidelity to the *French King*, and by the forfeiture of all these Obligations to their King and Country, and other Princes, and at the expence of all this Treasure given to contrary uses, to recommend themselves more meritoriously to his Patronage.

The *Parliament* having once given this Money, were in consequence Prorogued, and met not again till the 4th of *February*, 1672. that there might be a competent scope for so great a Work as was designed, and the Architects of our Ruine might be so long free from their busy and odious Inspection till it were finished. Henceforward all the former Applications made by His Majesty to induce Foreign Princes into the *Guaranty* of the Treaty of *Aix la Chapelle* ceased, and on the contrary, those who desired to be admitted into it, were here refused. The Duke of *Lorraine*, who had always been a true Friend to His Majesty, and by his affection to the *Triple League*, had incurred the *French King's* displeasure, with the loss of his whole Territory, seized in the year 1669. against all Laws, not only of Peace but *Hostility*, yet was by means of these Men rejected, that he might have no Interest in the Alliance, for which he was sacrificed. Nay, even the Emperor, though he did His Majesty the Honour to Address voluntarily to Him, that himself might be received into that *Triple League*, yet could not so great a Prince prevail, but was turned off with blind Reasons, and most frivolous Excuses. So far was it now from fortifying the Alliance by the Accession of other Princes, that Mr. *Henry Coventry* went now to *Sweden* expressly, as he affirmed at his departure hence, to dissolve the *Triple League*. And he did so much towards it, co-operating in that Court with the *French* Ministers, that *Sweden* never after it came to a Rupture) did assist or prosecute effectually the ends of the Alliance but only arming it self at the expence of the League, did first under a disguised Mediation, act the *French* Interest, and at last threw off the *Vizard*, and drew the Swound in their Quarrel. Which is a matter of sad reflection, that he, who in his *Embassy* at *Breda*, had been so happy an Instrument to end the first unfortunate War with *Holland*, should now be made the Tool of a Second, and of breaking that Threefold Cord by which the Interest of *England* and all *Christendom* was fastned. And what renders it more wretched, is that no Man better than He, understood both the *Theory* and *Practick* of Honour, and yet could in so eminent an Instance, forget it. All which can be said in his excuse, is, that upon his return he was for this Service made Secretary of State (as if to have remained the same *Honest Gentleman*, had not been more necessary, and less dishonourable) Sir *William Lockyard* and several others were dispatched to other Courts upon the like Errand.

All things were thus far well disposed here toward a War with *Holland*: only all this while there wanted a Quarrel, and to pick one, required much invention. For the *Dutch*, although there was a *Si quis* to find out Complaints, and our *East-India Company* was summoned to know whether they had any thing to object against them, had so punctually complied with all the conditions of the Peace at *Breda*, and observed His Majesty with such Respect (and in paying the due Honour of the *Flag* particularly, as it was agreed on in the 10th Article) that nothing could be alledged; And as to their *Triple League*, their Fleet was then out, riding near their own Coasts, in prosecuting the ends of that Treaty. Therefore, to try

a new Experiment, and to make a Case which had never before happened or been imagined, a sorry *Tacht*, but bearing the *English Jack*, in August 1671. sails into the midst of their Fleet, singled out the *Admiral*, shooting twice, as they call it, sharp upon him. Which must sure have appeared as ridiculous, and unnatural, as for a *Lark* to dare the *Hobby*. Nevertheless, their Commander in Chief, in deference to His Majesties Colours, and in consideration of the Amity betwixt the Two Nations, payed our *Admiral* of the *Tacht* a visit, to know the reason; and learning that it was because he and his whole Fleet had failed to strike Sail to his small Craft, the *Dutch Commander* civilly excused it as a matter of the first Instance, and in which he could have no Instructions, therefore proper to be referred to their Masters, and so they parted. The *Tacht* having thus acquitted it self, returned, fraught with the Quarrel which she was sent for, which yet was for several Months passed over here in silence without any Complaint or Demand of satisfaction, but to be improved afterwards when occasion grew riper. For there was yet one thing more to be done at home to make us more capable of what was shortly after to be executed on our Neighbours.

The *Exchequer* had for some years by excessive gain decoyed in the wealthy *Goldsmiths*, and they the rest of the Nation by due payment of Interest, till the Ring was run (upon what account I know not) into Debt of above Two Millions: which served for one of the pretences in my Lord *Keeper's Speech* above recited, to demand and grant the late Supplies, and might have sufficed for that work, with peace and any tolerable good Husbandry. But as if it beeh perfidious to apply them to any one of the purposes declared, it was instead of payment, privately resolved to shut up the *Exchequer*, lest any part of the Money should be legally expended, but that all might be appropriate to the Holy War in project, and those further Pious Uses to which the Conspirators had Dedicated it.

This Affair was carried on with all the Secresie of so great Statesmen, that they might not by venting it, unseasonably spoil the Wit and Malice of the business. So that all on the sudden, upon the First of January, 1671. to the great astonishment, ruine, and despair of so many interested Persons, and to the terror of the whole Nation by so arbitrary a Fact, the Proclamation issued, whereby the Crown, amidst the confluence of so vast Aids and Revenue, published it self Bankrupt, made prize of the Subject, and broke all Faith and Contract at home, in order to the breaking of them abroad with more advantage.

There remained nothing now but that the Conspirators, after this exploit upon our own Countrymen, should manifest their impartiality to Foreigners, and avoid on both sides the reproach of Injustice by their equality in the distribution. They had now started the dispute about the *Flag* upon occasion of the *Tacht*, and begun the discourse of *Surinam*, and somewhat of *Pictures* and *Medals*, but they handled these matters so nicely, as Men not less afraid of receiving all satisfaction therein from the *Hollanders*, than of giving them any umbrage of arming against them upon those pretences. The *Dutch* therefore not being conscious to themselves of any provocation given to *England*, but of their readiness, if there had been any, to repair it, and relying upon that Faith of Treaties and Alliances with us, which hath been thought sufficient security, not only among *Christians*, but even with *Infidels*, pursued their Traffick and Navigation thorow our Seas, with the least suspicion. And accordingly a great and rich Fleet of Merchantmen from *Smirna* and *Spain*, were on their Voyage home ward near the *Isle of Wight*, under a small Convoy of five or six of their Men of War. This was the Fleet in contemplation of which the Conspirators had so long deferred the War to plunder them in Peace; the Wealth of this was that which by its weight turned the Balance of all Publick Justice and Honour; with this Treasure they imagined themselves in stock for all the wickedness of which they were capable, and that they should never, after this addition, stand in need again, or fear of a Parliament. Therefore they had with great stillness and expedition equipped early in the year, so many of the King's Ships as might without jealousy of the number, yet be of competent strength for the intended Action, but if any thing should chance to be wanting, they thought it abundantly supplied by virtue of the Commander. For Sir R. H. had with the like number of Ships, in the year 1661. even so timely commenced the first Hostility against *Holland*, in time of Peace; seizing upon *Cape Verde*, and other of the *Dutch* Forts on the Coast of *Guinea*, and the whole *New Netherlands*, with great success: In defence of which Conquests, the *English* undertook, in 1665, the first War against *Holland*. And in that same War, he with a proportionable Squadron signalized himself by burning the *Dutch* Ships, and Village of *Brandaris* at *Schelling*, which was unfortunately revenged upon us at *Chatham*. So that he was pitched upon as the person for understanding, experience and courage, fittest for a design of this or any higher nature; and upon the 14th of March 1672, as they sailed on, to the number of 72 Vessels in all, whereof six the Convoy; near our Coast, he fell in upon them with his accustomed Bravery; and could not have failed of giving a good account of them, would he but have joyned fortunes, Sir Edward Spragg's Assistance to his own Conduct: For Sir Edward was in sight at the same time with his Squadron, and Captain Legg making sail towards him, to acquaint him with the design, till called back by a Gun from his Admiral, of which several persons have had their conjectures. Possibly Sir R. H. considering that Sir Edward had failed all along

along in consort with the *Dutch* in their Voyage, and did but slow return from bringing the Pirats of *Algiers* to Reason, thought him not so proper to engage in this Enterprize before he understood it better. But it is rather believed to have proceeded partly from that Jealousie (which is usual to Martial Spirits, like Sir *Robert's*) of admitting a Companion to share with him in the spoil of Honour or Profit; and partly out of too strict a regard to preserve the secret of his Commission. However, by this means the whole Affair miscarried. For the Merchant-men themselves, and their little Convoy did so bestir them, that Sir *Robert*, although he shifted his Ship, fell foul on his best Friends, and did all that was possible, unless he could have multiplied himself, and been every where, was forced to give it over, and all the Prize that was gotten, sufficed not to pay the Chirurgeons and Carpenters.

To descend to the very bottom of their hellish Conspiracy, there was yet one step more, that of Religion. For so pious and just an Action as Sir *R. H.* was employed upon, could not be better accompanied than by the Declaration of *Liberty of Conscience* (unless they should have expected till he had found that precious Commodity in plundering the Hole of some *Amsterdam* Fly-boat. Accordingly, while he was trying his fortune in Battle with the *Smirna* Merchant-men, on the Thirteenth and Fourteenth of *March*, One thousand six hundred seventy two, the *Indulgence* was Printing off here in all haste, and was Published on the Fifteenth, as a more proper means than *Fasting* and *Prayers*, for propitiating Heaven, to give success to his Enterprize, and to the War that must second it.

Hereby, all the *Penal Laws* against *Papists*, for which former Parliaments had given so many Supplies, and against *Nonconformists*, for which this Parliament had paid more largely, were at one Instant suspended, in order to defraud the Nation of all that Religion which they had so dearly purchased, and for which they ought at least, the Bargain being broke, to have been re-imburfed.

There is, I confess, a measure to be taken in those things, and it is indeed to the great reproach of Humane Wisdom, that no Man has for so many Ages been able or willing to find out the due temper of Government in Divine Matters. For it appears at the first sight, that Men ought to enjoy the same Propriety and Protection in their Consciences, which they have in their Lives, Liberties and Estates: But that to take away these in Penalty for the other, is merely a more Legal and Gentile way of Padding upon the Road to Heaven, and that it is only for want of Money, and for want of Religion that Men take those desperate courses.

Nor can it be denied that the *Original Law* upon which Christianity at the first was founded, does indeed expressly provide against all such severity; And it was by the Humility, Meekness, Love, Forbearance and Patience which were part of that excellent Doctrine, that it became at last the Universal Religion, and can no more by any other means be preserved, than it is possible for another Soul to animate the same Body.

But, with shame be it spoken, the *Spartans* obliging themselves to *Lycurgus* his Laws, till he could come back again, continued under his most rigid Discipline, above twice as long as the Christians did endure under the gentlest of all Institutions, though with far more certainty expecting the return of their *Divine Legislator*. Inasmuch that it is no great Adventure to say, That the World was better ordered under the ancient *Monarchies* and *Commonwealths*, that the number of Virtuous Men was then greater, and that the Christians found fairer Quarter under those, than among themselves, nor hath there any advantage accrued unto mankind from that most perfect and practicable *Model of Humane Society*, except the Speculation of a better way to future Happiness, concerning which the very Guides disagree, and of those few that follow, it will suffer no Man to pass without playing at their *Turnpikes*. All which had proceeded from no other reason, but that Men instead of squaring their Governments by the Rule of Christianity, have shaped Christianity by the measures of their Government, have reduced that straight Line by the crooked, and bungling Divine and Humane things together, have been always hacking and hewing one another, to frame an irregular Figure of Political Incongruity.

For wheresoever either the Magistrate, or the Clergy, or the People could gratifie their Ambition, their Profit, or their Phansie by a Text improved or misapplied, that they made use of, tho' against the Consent, Sense and immutable Precepts of *Scripture*, and because Obedience for Conscience sake was there prescribed, the less Conscience did Men make in Commanding, so that several Nations have little else to shew for their Christianity (which requires Instruction only and Example) but a parcel of severe Laws concerning Opinion or about the Modes of Worship, not so much in order to the Power of Religion, as over it. Nevertheless because Mankind must be governed some way, and be held up to one Law or other, either of Christs or their own making; the vigor of such Humane Constitutions is to be preserved until the same Authority shall upon better reason revoke them; and as in the mean time no private Man may without the guilt of Sedition or Rebellion resist, so neither by the nature of the *English* Foundation can any publick Person suspect them without committing an Error which is not the less for wanting a legal name to express it. But it was the Matter-piece therefore of boldness and contrivance in these Conspirators to issue this Declaration, and it is hard to say wherein they took the greater Felicity, whether in suspending hereby

hereby all the Statutes against Popery, that it might thence forward pass like current Money over the Nation, and no man dare to refuse it, or whether gaining by this a Precedent to suspend as well all other Laws that respect the Subjects Propriety, and by the same power to abrogate, and at last enact what they pleased, till there should be no further use for the Consent of the People in Parliament.

Having been thus true to their great Design, and made so considerable a progress, they advanced with all expedition. It was now high time to Declare the War, after they had begun it; and therefore by a *Manifesto* of the seventeenth of March 1672, the pretended Causes were made publick, which were, The not having Vailed Bonnet to the *English* Yatch: though the *Dutch* had all a long, both at home and here as carefully endeavoured to give, as the *English* Ministers to avoid the receiving of all satisfaction, or letting them understand what would do it, and the Council Clock was on purpose set forward, lest their utmost Compliance in the Flag at the hour appointed, should prevent the Declaration of War by some minutes. The detaining of some few *English* Families (by their own Consent) in *Surynam* after the Dominion of it was by Treaty surrendered up to the *Hollander*, in which they had likewise constantly yielded to the unreasonable demands that were from one time to another extended, from hence to make the thing impracticable, till even *Banister* himself, that had been employed as the Agent and Contriver of this misunderstanding, could not at the last forbear to cry shame of it. And moreover to fill up the measure of the *Dutch* Iniquity, they are accused of Pictures, Medals and Pillars: a Poet indeed, by a dash of his Pen, having once been the cause of a War against *Poland*; but this certainly was the first time that ever a Painter could by the stroke of his Pencil occasion the Breach of a Treaty. But considering the weakness and invalidity of those other allegations, these indeed were not unnecessary, the Pillars to add strength, the Medals Weight, and the Pictures Colour to their Reasons.

But herein they had however observed Faith with *France* though on all other sides broken, having capitulated to be the first that should do it. Which it was no small piece of *French* Courtesy in so important an action to yield the *English* the Precedence, so was it on the *English* part as great a Bravery in accepting to be the foremost to discompose the State of all *Christianity*, and make themselves principal to all the horrid Destructions, Devastations, Ravage and Slaughter, which from that fatal *seventeenth* of March, One thousand six hundred seventy two, has to this very day continued.

But that which was most admirable in the winding up of this Declaration, was to behold these Words.

And whereas we are engaged by a Treaty to support the Peace made at Aix la Chapelle; We do finally Declare, that, notwithstanding the prosecution of this War, We will maintain the true intent and scope of the said Treaty, and that, in all Alliances, which we have, or shall make in the Progress of this War, we have, and will take care, to preserve the ends thereof Inviolable, unless provoked to the contrary.

And yet it is as clear as the Sun, that the *French* had by that Treaty of *Aix la Chapelle*, agreed to acquiesce in their former Conquest in *Flanders*, and that the *English*, *Suede* and *Hollander*, were reciprocally bound to be aiding against whomsoever should disturb that Regulation (besides the League Offensive and Defensive, which his Majesty had entered into with the States General of the United Provinces) all which was by this Conjunction with *France* to be broken in pieces. So that what is here declared, if it were reconcileable to Truth, yet could not consist with possibility (which two do seldom break company) unless by one only Expedient, that the *English*, who by this new League with *France*, were to be the Infractors and Aggressors of the Peace of *Aix la Chapelle* (and with *Holland*) should, to fulfil their Obligations to both Parties, have sheathed the Sword in our own Bowels.

But such was the Zeal of the Conspirators, that it might easily transport them either to say what was untrue, or undertake what was impossible, for the *French* Service.

That King having seen the *English* thus engaged beyond a retreat, comes now into the War according to agreement. But he was more Generous and Monarchal than to assign Cause, true or false, for his Actions. He therefore, on the 27th of March 1672, publishes a Declaration of War without any Reasons. Only, *The ill satisfaction which his Majesty hath of the Behaviour of the States General towards him, being risen to that degree, that he can no longer, without diminution to his Glory, dissemble his Indignation against them, &c. Therefore he hath resolved to make War against them both by Sea and Land, &c. And commands all his Subjects, Courir sus upon the Hollanders.* (A Metaphor which, out of respect to his own Nation, might have been spared) *For such is our Pleasure.*

Was ever in any Age or Nation of the World, the Sword drawn upon no better Allegation? A stile so far from being Most *Christian*, that nothing but some vain *French* Romance can parallel or justify the Expression. How happy were it could we once arrive at the same pitch, and how much credit and labour had been saved, had the Compilers of our Declaration, instead of the mean *English* way of giving Reasons, contended themselves with that of the diminution of the *English* Honour, as the *French* of his Glory! But nevertheless, by his

Embassador to the *Pope*, he gave afterwards a more clear account of his Conjunction with the *English*, and that he had not undertaken this War against the *Hollanders*, but for extirpating of Heresie. To the Emperour, That the *Hollanders* were a People who had forsaken God, were Hereticks, and that all good Christians were in duty bound to associate for their Extirpation, and ought to pray to God for a Blessing upon so pious an Enterprize. And to other Popish Princes, that it was a War of Religion, and in order to the Propagation of the Catholick Faith.

And in the second Article, of his Demands afterwards from the *Hollanders*, it is in express words contained, *That from thence forward there shall not be only an intire Liberty, but a Publick Exercise of the Catholick Apostolick Roman Religion, throughout all the United Provinces. So that wheresoever there shall be more than one Church, another shall be given to the Catholicks. That where there is none, they shall be permitted to build one: and till that be finished, to exercise their Divine Service publicly in such Houses as they shall buy, or hire for that purpose. That the States-General, or each Province in particular, shall appoint a reasonable Salary for a Curate, or Priest, in each of the said Churches, out of such Revenues as have formerly appertained to the Church, or otherwise.* Which was conformable to what he published now abroad, that he had entred into the War only for God's Glory, and that he would lay down Arms straightways, would the *Hollanders* but restore the true Worship in their Dominions.

But he made indeed twelve Demands more, and notwithstanding all this Devotion, the Article of Commerce, and for revoking their *Placaets* against Wine, Brandy, and French Manufactures was the first, and took place of the *Catholick Apostolick Roman Religion*; Whether all these were therefore only words of course, and to be held or let loose according to his occasions, will better appear when we shall have heard that he still insists upon the same at *Nimeguen*, and that, although deprived of our assistance, he will not yet agree with the *Dutch* but upon the terms of restoring the *True Worship*. But whatever he were, it is evident that the *English* were sincere and in good earnest in the Design of Popery, both by that Declaration above mentioned of Indulgence to the Recusants, and by the Negotiation of those of the *English* Plenipotentiaries, (whom for their Honour I name not) that being in that year sent into *Holland*, pressed that Article among the rest upon them, as without which they could have no hope of Peace with *England*. And the whole process of Affairs will manifest further, that both here and there it was all of a piece, as to the project of Religion, and the same Thread ran thorow the Web of the *English* and *French* Counsels, no less in relation to that, than unto Government.

Altho the issuing of the *French King's Declaration*, and the sending of our *English* Plenipotentiaries into *Holland* be involved together in this last period, yet the difference of time was so small, that the anticipation is inconsiderable. For having declared the War but on the 27th of March, 1672, he struck so home, and followed his blow so close, that by July following, it seemed that *Holland* could no longer stand him, but that the swiftness and force of his motion was something supernatural. And it was thought necessary to send over those Plenipotentiaries, if not for Interest, yet at least for Curiosity. But it is easier to find the Marks than Reasons of some Mens Actions, and he that does only know what happened before, and what after, might perhaps wrong them by searching for further Intelligence.

So it was that the *English* and *French* Navies being joined, were upon the Twenty eighth of May, One thousand six hundred seventy two, attacked in *Soule Bay* by *De Ruyter*, with too great advantage. For while his Royal Highness, then Admiral, did all that could be expected, but *Monsieur d'Estree*, that commanded the *French*, did all that he was sent for, Our *English* Vice-Admiral, *Montague*, was Sacrificed; and the rest of our Fleet so mangled, that there was no occasion to boast of Victory. So that being here still on the losing hand, 'twas fit some body should look to the Betts on the other side of the Water, lest that Great and Lucky Gamester, when he had won all there, and stood no longer in need of the Conspirators, should pay them with a Quarrel for his Money, and their ill Fortune. Yet were they not conscious to themselves of having given him by any Behaviour of theirs, any cause of Dissatisfaction, but that they had dealt with him in all things most frankly, That notwithstanding all the Expressions of my Lord Keeper *Bridgman's* Speech, of the Treaty between France and His Majesty concerning Commerce, wherein His Majesty will have a singular regard to the Honour, and also to the Trade of the Nation, and notwithstanding the intolerable oppressions upon the *English* Traffick in France, ever since the Restauration, they had not in all that time made one step towards a Treaty of Commerce, or Navigation, with him; no not now, even when the *English* were so necessary to him, that he could not have begun this War without them, and might probably therefore, in this conjuncture, have condescended to some equality. But they knew how tender that King was on that point, and to preserve and encrease the Trade of his Subjects, and that it was by the Diminution of that Beam of his Glory, that the *Hollanders* had raised his Indignation. The Conspirators had therefore, the more to gratifie him, made it their constant Maxim, to burden the *English* Merchants here with one hand, while the *French* should load them no less with the other, in his Territories; which was a parity of Trade indeed, though something an extravagant one, but the best that

that could be hoped from the prudence and integrity of our States-men; inſomuch, that when the Merchants have at any time come down from *London* to preſent their Grievances from the *French*, to ſeek redreſs, or offer their humble advice, they were Heſtored, Brow-beaten, Ridiculed, and might have found fairer Audience even from *Monſieur Colbert*.

They knew moreover, that as in the matter of Commerce, ſo they had more obliged him in this War. That except the irrefiſtible Bounties of ſo great a Prince in their own particular, and a frugal Subſiſtance-money for the Fleet, they had put him to no charges, but the *Engliſh* Navy Royal ſerv'd him, like ſo many *Privateers*, No Purchase, No Pay. That in all things they had acted with him upon the moſt abſtracted Principles of Generoſity. They had tyed him to no terms, had demanded no Partition of Conqueſts, had made no humane Condition, but had ſold all to him for thoſe two Pearls of Price, the *True Worſhip*, and the *True Government*. Which diſintereſted proceeding of theirs, though ſuited to Foreign Magnanimity, yet, ſhould we ſtill loſe at Sea, as we had hitherto, and the *French* Conquer all at Land, as it was in proſpect, might at one time or other breed ſome difficulty in anſwering for it to the King and Kingdom: However this were, it had ſo happened before the arrival of the *Plenipotentiaries*, that, whereas here in *England*, all that brought applications from *Holland* were treated as Spies and Enemies, till the *French King* ſhould ſignifie his pleaſure; he on the contrary, without any communication here, had received Addreſs from the *Dutch Plenipotentiaries*, and given in to them the ſum of his Demands (not once mentioning his Maſteſty or his Intereſt, which indeed he could not have done unleſs for Mockery, having demanded all for himſelf, ſo that there was no place left to make the *Engliſh* any ſatisfaction) and the *French* Miniſters did therefore very candidly acquaint thoſe of *Holland*, that upon their accepting thoſe Articles, there ſhould be a firm Peace, and Amity reſtored: But as for *England*, the States, their Maſters, might uſe their diſcretion, for that *France* was not obliged by any Treaty to procure their advantage.

This manner of dealing might probably have animated, as it did warrant the *Engliſh Plenipotentiaries*, had they been as full of Reſolution as Power, to have cloſed with the *Dutch*, who, out of averſion to the *French*, and their intolerable demands, were ready to have thrown themſelves into his Maſteſties Arms, or at his Feet, upon any reaſonable conditions; But it wrought clean otherwiſe: For, thoſe of the *Engliſh Plenipotentiaries*, who were, it ſeems, intruſted with a fuller Authority, and the deeper Secret, gave in alſo the *Engliſh* Demands to the *Hollanders*, conſiſting in eight Articles, but at laſt the Ninth ſaith,

Altho' his Maſteſty contents himſelf with the foregoing Conditions, ſo that they be accepted within ten days, after which his Maſteſty underſtands himſelf to be no further obliged by them. He declares nevertheleſs preciſely, that altho' they ſhould all of them be granted by the ſaid States, yet they ſhall be of no force, nor will his Maſteſty make any Treaty of Peace or Truce, unleſs the Moſt Chriſtian King ſhall have received ſatisfaction from the ſaid States in his particular. And by this means they made it impoſſible for the *Dutch*, however deſirous, to comply with *England*, excluded us from more advantagious terms, than we could at any other time hope for, and deprived us of an honeſt and honourable eſaſion out of ſo pernicious a War, and from a more dangerous Alliance. So that now it appeared by what was done, that the Conſpirators ſecuring their own fears at the price of the Publick Intereſt, and Safety, had bound us up more ſtrait than ever, by a new Treaty, to the *French* Project.

The reſt of this year paſſed with great ſucceſs to the *French*, but none to the *Engliſh*. And therefore the hopes upon which the War was begun, of the *Smyrna* and *Spaniſh* Fleet, and *Dutch* Prizes, being vaniſhed, the ſlender Allowance from the *French* not ſufficing to defray it, and the Ordinary Revenue of the King, with all the former Aids being (as was fit to be believed) in leſs than one years time exhausted, The Parliament, by the Conſpirators good leave, was admitted again to ſit at the day appointed, the 4th of February 1672.

The War was then firſt communicated to them, and the Cauſes, the Neceſſity, the Danger, ſo well Painted out, that the *Dutch* abuſive Hiſtorical Pictures, and falſe Medals, (which were not forgot to be mentioned) could not be better imitated or revenged; Only, there was one great omiſſion of their falſe Pillars, which upheld the whole Fabrick of the *England* Declaration. Upon this ſignification, the Houſe of Commons (who had never failed the Crown hitherto upon any occaſion of mutual gratuity) did now alſo, though in a War contrary to former uſage, begun without their Advice, readily Vote, no leſs a ſumm than 125000*l*. But for better Colour, and leſt they ſhould own in words, what they did in effect, they would not ſay it was for the War, but for the Kings extraordinary Occaſions.

And becauſe the Nation began now to be aware of the more true Cauſes, for which the War had been undertaken, they prepared an Act before the Money-Bill ſlipped thorow their Fingers, by which the Papiſts were obliged to paſs thorow a new State-Purgatory, to be incapable of any Publick Employment; whereby the Houſe of Commons, who ſeem to have all the Great Offices of the Kingdom in Reverſion, could not but expect ſome Wind-falls.

Upon this Occaſion it was, that the Earl of *Shaſtbury*, though then Lord Chancellor of *England*, yet Engaged ſo far in Defence of that ACT, and of the PROTESTANT RELIGION, that in due time it coſt him his Place, and was the firſt moving Cauſe of all thoſe

those Misadventures, and Obloquy, which since he lyes (*ABOVE*, not) *Under*,

The Declaration also of Indulgence was questioned, which, though his MAJESTY had out of his Princely, and Gracious Inclination, and the memory of some former Obligations, granted, yet upon their Representation of the Inconveniences, and at their humble Request, he was pleased to Cancel, and Declare, that it should be no Precedent for the Future: for otherwise some succeeding Governor, by his single Power suspending *Penal Laws*, in a favourable matter, as that is of Religion, might become more dangerous to the Government, than either Papists or Fanaticks, and make us *Either*, when he pleased: So Legal was it in this Session to distinguish between the King of *England's Personal*, and his *Parliamentary Authority*.

But therefore the further sitting being grown very uneasy to those, who had undertaken for the Change of Religion, and Government, they procured the Recess so much sooner, and a Bill sent up by the Commons in favour of Dissenting Protestants, not having passed thro' the Lords preparation, the Bill concerning Papists, was enacted in Exchange for the Money, by which the Conspirators; when it came into their Management, hoped to frustrate, yet, the effect of the former. So the Parliament was dismissed till the *Twenty seventh of October, One thousand six hundred seventy three*.

In the mean time therefore they strove by all their might to regain by the War, that part of their Design, which they had lost by Parliament; and though several honourably forsook their Places rather than their Consciences, yet there was never wanting some double-dyed Son of our Church, some Protestants in grain, to succeed upon the same Conditions. And the difference was no more, but that their Offices, or however their Councils, were now to be administred by their Deputies, such as they could confide in.

The business of the Land Army was vigourously carried on, in appearance to have made some descent into *Holland*, but though the Regiments were compleated, and kept imbodyed, it wanted effect, and therefore gave cause of suspicion: That rather, because no *Englishman*, among so many well disposed, and qualified for the work, had been thought capable, or fit to be trusted with Chief Command of those Forces, but that Monsieur S——, a *French Protestant* had been made General, and Collonel *Fitz-Gerald*, an *Irish Papist*, Major General, as more proper for the Secret; the first of advancing the *French Government*, the second of promoting the *Irish Religion*.

And therefore the dark hovering of that Army so long at *Black-Heath*, might not improbably seem the gatherings of a Storm to fall upon *London*, but the ill successes which our Fleet met withal this Year, also at Sea, were sufficient, had there been any such design at home to have quashed it: for such Gallantries are not to be attempted, but in the highest raptures of Fortune.

There were three several Engagements of ours against the *Dutch Navy* in this one Summer, but while nothing was tenable at Land, against the *French*, it seemed that to us at Sea every thing was impregnable; which is not to be attributed to the want of Courage or Conduct, either the former Year under the Command of his Royal Highness, so great a Soldier, or this Year under the Prince *Robert*; but is rather to be imputed to our unlucky Conjunction with the *French*, like the Disasters that happen to Men by being in ill Company.

But besides, it was manifest that in all these Wars, the *French* meant nothing less than really to assist us: he had first practised the same Art at Sea, when he was in League with the *Hollanders* against us, his Navy never having done them any service, for his business was only to see us Batter one another. And now he was on the *English* side, he only studied to sound our Seas, to spie our Ports, to learn our Building, to contemplate our way of Fighting, to consume ours, and preserve his own Navy to encrease his Commerce, and to order all so, that the two great Naval Powers of *Europe* being crushed together, he might remain sole Arbitrator of the Ocean, and by Consequence, Master of all the Isles and Continent; To which purpose the Conspirators furnished him with all possible opportunities. Therefore it was that Monsieur *d'Estree*, though a Person otherwise of Tried Courage and Prudence, yet never did worse than in the third and last Engagement; and yet because brave Monsieur *d'Artel* did better, and could not endure a thing that look'd like Cowardise or Treachery, though for the service of his Monarch, commanded him in, rated him; and at his return home he was, as then was reported, discountenanced and dismissed from his Command, for no other crime, but his breaking of the *French* measures, by adventuring one of those sacred Ships in the *English*, or, rather his own Masters Quarrel.

His Royal Highness (by whose having Quitted the Admiralty, the Sea service thrived not the better) was now intent upon his Marriage, at the same time the Parliament was to reassemble the 27th of *October* 1673, the Princess of *Modena*, his Consort, being upon the way for *England*, and that business seem'd to have passed all impediment. Nor were the Conspirators who (to use the *French Phrase*) made a considerable Figure in the Government, wholly averse to the Parliaments meeting; for if the House of Commons had after one years unfortunate War, made so vast a present to his Majesty of 1250000 *l.* but the last *February*, it seemed the argument would now be more pressing upon them, that by how much the ill successes of this Year had been greater, they ought to give a yet more liberal Donative. And the

Conspirators

Conspirators as to their own particular reckoned, that while the Nation was under the more distress and hurry they were themselves safer from Parliament, by the publick Calamity.

A supply therefore was demanded with much more importunity, and assurance than ever before, and that it should be a large one and a speedy: They were told that it was now *Pro Aris & Focis*, all was at stake. And yet besides all this, the Payment of the Debt to the Bankers upon shutting the Exchequer was very civilly recommended to them. And they were assured that his Majesty would be constantly ready to give them all Proofs of his Zeal for the true Religion and the Laws of the Realm, upon all occasions: But the House of Commons not having been sufficiently prepared for such demands, nor well satisfied in several matters of Fact, which appeared contrary to what was represented, took check; and first interposed in that tender point of his Royal Highness's Match, although she was of his own Religion, which is a redoubled sort of Marriage, or the more spiritual part of its Happiness. Besides, that she had been already solemnly married by the Duke's Proxy, so that unless the Parliament had been Pope, and claimed a Power of Dispensation, it was now too late to avoid it. His Majesty by a short Prorogation of six days, when he understood their intention, gave them an opportunity to have desisted: But it seems they judged the National Interest of Religion so far concerned in this matter, that they no sooner meet again, but they drew up a second Request by way of Address to his Majesty, with their Reasons against it. That for his Royal Highness to marry the Princess of *Modena*, or any other of that Religion, had very dangerous consequences: That the minds of his Majesties Protestant Subjects will be much disquieted, thereby filled with infinite Discontents and Jealousies. That his Majesty would hereby be linked into such a foreign Alliance, which will be of great disadvantage, and possible to the Ruine of the Protestant Religion. That they have found by sad experience how such marriages have always increased Popery, and encouraged Priests and Jesuits to pervert his Majesties Subjects: That the Popish Party already lift up their heads in hopes of his Marriage: That they fear it may diminish the affection of the People toward his Royal Highness, who is by Blood so near related to the Crown: That it is now more than one Age, that the Subjects have lived in continual apprehensions of the increase of Popery, and the decay of the Protestant Religion: Finally, that she having many Kindred and Relations in the Court of *Rome*, by this means their enterprizes here might be facilitated, they might pierce into the most Secret Councils of his Majesty, and discover the state of the Realm. That the most Learned Men are of Opinion, that Marriages no further Proceeded in, may lawfully be dissolved: And therefore they beseech his Majesty to Annul the Consummation of it, and the rather, because they have not yet the happiness to see any of his Majesty's own Lineage to succeed in his Kingdoms.

These Reasons, which were extended more amply against his Royal Highness's Marriage, obtained more weight, because most men are apt to Judge of things by Circumstances, and to attribute what happens by the Conjunction of Times, to the effect of Contrivance. So that it was not difficult to interpret what was in his Royal Highness, an engagement only of Honour and affection, as proceeding from the conspirators Councils, seeing it made so much to their purpose.

But the Business was too far advanced to retreat, as his Majesty with great reason had replied, to their former Address, the Marriage having been celebrated already, and confirmed by his Royal Authority, and the House of Commons though sitting when the Duke was in a Treaty for the Arch-Duchess of *Ispruck*, one of the same Religion, yet having taken no notice of it.

Therefore while they pursued the matter thus, by a second Address, It seemed an easier thing, and more decent, to prorogue the Parliament, than to dissolve the Marriage. And which might more incline his Majesty to this Resolution, the House of Commons had now bound themselves by a Vote, that having considered the present State of the Nation, they would not take into Deliberation, nor have any further Debate upon any other Proposals of Aid, or any Surcharge upon the Subject, before the payment of the *Twelve hundred and fifty thousand pound*, in *eighteen Months*, which was last granted, were expired, or at least till they should evidently see that the Obstinacy of the *Hollanders* should oblige them to the contrary, nor till after the Kingdom should be effectually secured against the dangers of Popery, and Popish Councillors, and that Order betaken against other present Misdemeanors.

There was yet another thing, the Land-Army, which appearing to them expensive, needless, and terrible to the People, they addressed to his Majesty also, that they might be disbanded. All which things put together, his Majesty was induced to prorogue the Parliament again for a short time, till the seventh of *January*, *One thousand six hundred Seventy three*: That in the mean while the Princess of *Modena* arriving, the Marriage might be consummated without further interruption.

That Session was opened with a large deduction also, by the new Lord Keeper, this being his first Experiment, in the Lords house of his Eloquence and Veracity, of the *Hollanders* aversness to peace or Reason, and their uncivil and indirect dealing in all Overtures of Treaty with his Majesty, and a demand was made therefore and re-inforced as formerly, of a proportionable

portionable and speedy Supply. But the *Hollanders* that had found themselves obstructed always hitherto, and in a manner excluded from all Applications, and that whatever means they had used was still misinterpreted, and ill represented, were so industrious, as by this time (which was perhaps the greatest part of their Crime) to have undeceived the generality of the Nation in those particulars.

The House of Commons therefore not doubting, but that if they held their hands in matter of Money, a Peace would in due time follow, grew troublesome rather to several of the great Ministers of State, whom they suspected to have been Principal in the late pernicious Counsels. But instead of the way of Impeachment, whereby the Crimes might have been brought to Examination, Proof and Judgment, they proceeded Summarily within themselves, noting them only with an ill Character, and requesting his Majesty to remove them from his Counsels, his presence, and their Publick Employments. Neither in that way of handling were they Impartial.

Of the three which were questioned, the Duke of *Buckingham* seemed to have much the more favourable Cause, but had the severest Fortune. And this whole matter not having been managed in the solemn Methods of National Justice, but transmitted to his Majesty, it was easily changed into a Court Intrigue, where though it be a Modern *Maxim*,

That no State Minister ought to be punished, but, especially not upon Parliamentary Applications:

Yet other Offenders thought it of security to themselves, in a time of Publick Discontent, to have one Man sacrificed, and so the Duke of *Buckingham* having worse Enemies, and as it chanced worse Friends: than the rest, was after all his Services abandoned, they having only heard the sound, while he felt all the smart of that Lash from the House of Commons.

But he was so far a Gainer, that with the loss of his Offices, and dependance, he was restored to the Freedom of his own Spirit, to give thenceforward those admirable Proofs of the Vigour, and Vivacity of his better Judgment, in Asserting, though to his own Imprisonment, the due Liberties of the *English* Nation.

This manner of proceeding in the House of commons, was a new way of negotiating the Peace with *Holland*, but the most effectual; the Conspirators living all the while under continual apprehensions of being called to further account for their Actions, and no money appearing, which would either have perpetuated the War, or might, in case of a Peace, be misapplied to other uses, than the building of Ships, insinuated by the Lord Keeper.

The *Hollanders* Proposals, by this means therefore, began to be thought more reasonable, and the *Marquis del Fresno*, the *Spanish* Minister in this Court, laboured so well, that his Majesty thought fit to communicate the Overture to both Houses, and though their advice had not been asked to the War, yet not to make the Peace without it. There was not much difficulty in their resolutions. For the general Bent of the Nation was against the War, the *French* now had by their ill behaviour at Sea in all the Engagements, raised also the *English* Indignation, their pernicious Counsels were visible in their Book of the *Politique Francoise*, tending by frequent Levies of Men, and Money, to exhaust, and weaken our Kingdom, and by their conjunction with us, on set purpose, to raise betwixt the King and his People a rational Jealousie of Popery, and *French* Government, till we should insensibly devolve into them by Inclination or Necessity: As men of ill conversation pin themselves maliciously on persons more sober, that if they can no otherwise debauch them, they may blast their Reputation by their society, and so oblige them to theirs; being suspected by better Company.

Besides all which, the very reason of Traffick which hath been so long neglected by our great Statesmen, was now of some consideration, for as much as by a Peace with the *Hollander* the greatest part of the Trade and Navigation of *Europe* as long as the *French* King disturb'd it, would of course fall into the *English* management. The Houses therefore gave their humble advice to his Majesty for a just and honourable Peace with the States General, which when it could be no longer resisted, was concluded.

In the seventh Article of this Treaty it is said:

That the Treaty which was made at Breda in the year 1667, as also all the others which are by this present Treaty confirmed, shall by the present be renewed, and shall continue in their full force and vigour, as far as they shall not be contrary unto this said present Treaty.

Which words are the more to be taken notice of, that they may be compared afterwards with the effects that follow, to see how well on the *English* part that Agreement hath been observed.

The business of the Peace thus being once over, and this Parliament still lowring upon the Ministers of State, or boggling at the Land Forces (whereof the eight new raised Regiments were upon the Request of the Commons at last disbanded) or employed in further Bills against Popery, and for the Education, and Protestant Marriage henceforward of those of the Royal Family; the necessity of their further sitting seemed not so urgent, but that they might have repose till the tenth of *November* 1674 following.

The Conspirators had hitherto failed of the accomplishing their design, by perpetual disappointments, and which was most grievous to them, foresaw, that the want of money would

would still necessitate the frequent sitting of Parliament, which danger they had hoped long ere this to have conquered. In this state of their Affairs, the *French King* therefore was by no means to be further disobliged, he being the Master of their secret, and the only Person which if they helped him at this plunge, might yet carry them thro'. They were therefore very diligent to profit themselves of all the advantages to this purpose that their present posture could afford them. They knew that his Majesty being now disengaged from War, would of his Royal Prudence interpose for Peace by his Mediation, it being the most glorious Character that any Prince can assume, and for which he was the more proper, as being the most Potent, thereby to give the sway, and the most disinterested, whereby to give the Equity requisite to such a Negotiation; and the most obliged in Honour, as having been the occasion by an unforeseen consequence of drawing the Sword of all this part of *Europe*. But if they feared any propension in his Majesty to one party, it was toward *Spain*, as knowing how that Crown (as it is at large recited, and acknowledged, in the preamble of the last Treaty between *England* and *Holland*) had been the only instrument of the happy Peace which after that pernicious War we now enjoyed.

Therefore they were resolved by all their influence, and industry (though the profit of the War did now wholly redound to the *English Nation*, and however in case of Peace it was our Interest, that if any, *France* should be depressed to any equality) to labour that by this Mediation *France* might be the only gainer, and having all quiet about him, might be at perfect leisure to attend their project upon *England*. And one of (these our Statesman being pressed,) solved all Arguments to the contrary with an oraculous *French* question.

Faut il que tout se fasse par Politique, rien par amitie?

Must all things be done by Maxims or reasons of State; nothing for Affection?

Therefore that such an Absurdity as the ordering of Affairs abroad, according to the Interest of our Nation might be avoided, the *English, Scotch, and Irish* Regiments, that were already in the *French Service*, were not only to be kept in their full Complement, but new numbers of Soldiers daily transported thither, making up in all, as is related, at least, a constant Body of *Ten thousand Men*, of his Majesties Subjects, and which oftentimes turned the Fortune of Battell on the *French* side by their Valour.

How far this either consisted with the Office of a Mediator, or how consonant it was to the seventh Article above mentioned, of the last Treaty with *Holland*, it is for them to demonstrate who were the Authors. But it was indeed a good way to train up an Army under the *French Discipline and Principles*, who might be ready seasoned upon occasions in *England*, to be called back and execute the same Councils.

In the mean time, they would be trying yet what they could do at home. For the late proceedings of *Parliament*, in quashing the Indulgence, in questioning Ministers of State, in Bills against *Popery*, in not granting Money whensoever asked, were Crimes not to be forgiven, nor (however the Conspirators had provided for themselves) named in an Act of General Pardon.

They began therefore after fifteen Years to remember that there were such a sort of men in *England* as the old Cavalier Party; and reckoned, that by how much the more generous, they were more credulous than others, and so more fit to be again abused. These were told, that all was at Stake, Church and State (How truly said! But meant, how falsely!) That the Nation was running again into *Forty one*: That this was the time to refresh their ancient merit, and receive the recompence double of all their Loyalty, and that hence forward the Cavaliers should have the Lottery of all the great or small Offices in the Kingdom, and not so much as Sir *Joseph Williamson* to have a share in it.

By this means they indeed designed to have raised a Civil War, for which they had all along provided, by new Forts, and standing Forces, and to which they had on purpose both in *England* and *Scotland* given all provocation, if it would have been taken, that so they might have a *Rase Campagne* of Religion, Government, and Propriety: or they hoped at least by this means to fright the one party, and encourage the other, to give hence forward money at pleasure, and that Money on what Title soever granted, with what stamp coined, might be melted down for any other service or uses. But there could not have been a greater affront and indignity offered to those Gentlemen (and the best did so resent it) than, whether these hopes were real, to think them men that might be hired to any base action, or whether as hitherto but imaginary, that by erecting the late King's Statue that whole party might be rewarded in Effigy.

While these things were upon the Anvil, the tenth of *November* was come for the *Parliament* sitting, but that was put off till the 13 of *April* 1675. And in the mean time, which fell out most opportune for the Conspirators, these Councils were matured, and something further to be contrived, that was yet wanting: The *Parliament* accordingly meeting, and the House of Lords, as well as that of the Commons, being in deliberation of several wholesome Bills, such as the present State of the Nation required, the great Design came out in a Bill unexpectedly, offered one morning in the House of Lords, whereby all such as enjoyed any beneficial Office, or Employment, Ecclesiastical, Civil, or Military, to which was added,

Privy

Privy Conncellers, Justices of the Peace, and Members of Parliament, were under a penalty to take the Oath, and make the Declaration, and Abhorrence, ensuing.

I A. B. Do Declare, That it is not Lawfull upon any pretence whatsoever to take up Arms against the King, and that I do abhor that Traiterous Position, of taking Arms by his Authority against his Person, or against those that are Commissioned by him in Pursuance of such Commission. And I do swear, that I will not at any time endeavour the Alteration of the Government either in Church or State. So help me God.

This same Oath had been brought into the House of Commons in the Plague year at Oxford, to have been imposed upon the Nation, but there, by the assistance of those very same persons, that now introduce it, 'twas thrown out, for fear of a General Infection of the Vitals of this Kingdom: and though it passed then in a particular Bill, Known by the name of the *Five mile Act*, because it only concerned the Non-conformist Preachers, yet even in that it was throughly opposed by the Earl of Southampton, whose Judgment might well have been reckoned for the *Standard of Prudence and Loyalty*. It was indeed happily said, by the Lord Keeper, in the opening of this Session, *No Influences of the Stars, no Configuration of the Heavens, are to be feared, so long as these two Houses stand in a Good Disposition to each other, and both of them in a happy Conjunction with their Lord and Sovereign*. But if he had so early this Act in his prospect, the same *Astrology* might have taught him, that there is nothing more portentous, and of worse *Omen*, than when such an Oath hangs over a Nation, like a New Comet foreboding the Alteration of Religion, or Government: Such was the *Holy League* in France in the Reign of Henry the Third. Such is the time of *Phillip the Second* the Oath in the *Netherlands*. And so the Oaths in our late Kings time taught the Fanaticks, because they could not swear, yet to Covenant. Such things therefore are, if ever, not needlessly thought for good fortune sake only to be attempted, and when was there any thing less necessary? No King of England had ever so great a Treasure of this Peoples Affections, except what those ill men have, as they have done all the rest, consumed; whom but out of an excess of Love to his Person, the Kingdom would never (for it never did formerly) so long have suffered: The Old Acts of Allegiance and Supremacy, were still in their full Vigour unless against the Papists, and even against them too of late, whensoever the way was to be smoothed for a liberal Session of Parliament. And moreover to put the Crown in full security, this Parliament had by an Act of theirs determined a Question which the wisdom of their Ancestors had never decided, that the King hath the sole power of the *Militia*. And therefore my Lord Keeper did by his patronizing this Oath, too grossly prevaricate, against two very good State Maxims, in this Harangue to the Parliament, for which he had consulted not the *Astrologer*, but the *Historian*, advising them first, that they should not *Quiescere*, that is, said he, *when men stir those things or Questions which are, and ought to be in peace*. And secondly, That they should not *Res parvas magnis motibus agere*: That is, saith he again, *when as much weight is laid upon a new and not always necessary Proposition as if the whole sum of Affairs depended upon it*.

And this Oath, it seems, was the little thing he meant of, being footh but a *Moderate Security to the Church and Crown*, as he called it, but which he and his party laid so much weight on, as if the whole sum of Affairs did depend upon it.

But as to the *Quiescere*, or stirring of those things or Questions which are and ought to be in Peace, was not this so, of taking Arms against the King upon any pretence whatsoever? And was not that also in Peace, of the *Traiterous Position* of taking Arms by his Authority against his Person? Had not the three Acts of *Corporations*, of *Militia*, and the *Five Miles*, sufficiently quieted it; Why was it further stirred? But being stirred, it raises in Mens thoughts many things more? some less, others more to the purpose.

Sir *Walter Terrell* Arrow grazed upon the Deer it was shot at, but by that chance killed King *William Rufus*; yet so far was it that Sir *Walter* should for that chance-shot be adjudged of *Treason*, that we do not perceive he underwent any other Tryal like that of *Man-slaughter*: But which is more to the point, it were difficult to instance a Law either in this or other Country, but that a private Man, if any King in Christendom assault him, may, having retreated to the Wall, stand upon his Guard; and therefore, if this matter as to a particular Man be dubious, it was not so prudent to stir it in the General, being so well settled. And as to all other things, though since Lord *Chancellor*, he hath in his Speech of the 15 of Feb. One thousand six hundred seventy six, said (to testify his own abhorrency) *Away with it it ill meant distinction between the Natural and the Politique Capacity*. He is too well read to be ignorant that without that Distinction there would be no Law nor Reason of Law left in England. To which end it was, and to put all out of doubt, that it is also required in this Test, to declare mens abhorrency as of a *Traiterous Position*, to take Arms against those that are Commissioned by him, in pursuance of such Commission; and yet neither is the Tenour, or Rule, of any such Commission specified, nor the Qualification of those that shall be armed with such Commissions, expressed or limited. Never was so much sense contained in so few words. No Conveyancer could ever in more Compendious or binding terms have drawn a Disfranchisement of the whole Birth-right of England.

For as to the Commission, if it be to take away any Man's Estate, or his Life by force, yet it is the King's Commission: Or if the Person Commissionate be under never so many disabilities by Acts of Parliament, yet his taking this Oath, removes all those Incapacities, or his Commission makes it not disputable. But if a man stand upon his Defence, a good Judge for the purpose, finding that the Position is *Traiterous*, will declare that by this Law he is to be executed for Treason.

These things are no niceties, or remote Considerations (though in making of Laws, and which must come afterwards under construction of Judges, *Durante Beneplacito*, all Cases are to be put and imagined) but there being an Act in Scotland tot *Twenty thousand Men* to March into England upon Call, and so great a Body of English Soldiery in France, within Summons, besides what Foreigners may be obliged by Treaty to furnish, and it being so fresh in memory, what sort of persons had lately been in Commission among us, to which add the many Books, then Printed by License, Writ, some by Men of the *Black*, one of the *Green-Cloth*, wherein the Absoluteness of the English Monarchy is against all Law asserted.

All these Considerations put together, were sufficient to make any honest and well-advised Man, to conceive indeed, that upon passing this Oath and Declaration, *the whole sum of Affairs depended*.

It grew therefore to the greatest Contest, that has perhaps ever been in Parliament, wherein those Lords, that were against this Oath, being assured of their own Loyalty, and Merit, stood up now for the English Liberties with the same Genius, Virtue and Courage, that their Noble Ancestors had formerly defended the *Great Charter of England*, but with so much greater Commendation, in that they had here a fairer Field, and the more Civil way of Decision: They fought it out under all the disadvantages imaginable: They were overlaid by Numbers; the noise of the House, like the Wind was against them, and it not the Sun, the Fire-side was always in their Faces; nor being so few, could they, as their Adversaries, withdraw to refresh themselves in a whole days Ingagement: Yet never was there a clearer demonstration how dull a thing is humane Eloquence, and Greatness how Little, when the bright Truth discovers all things in their proper Colours and Dimensions, and shining shoots its Beams thorow all their Fallacies. It might be injurious, where all of them did so excellently well, to attribute more to any of those Lords than another, unless because the Duke of *Buckingham* and the Earl of *Shafisbury* have been the more reproach'd for this brave Action, it be requisite by a double portion of Praise to set them two on equal terms with the rest of their Companions in Honour. The particular Relation of this Debate, which lasted many days with great eagerness on both sides, and the Reasons but on one, was in the next Session burnt by Order of the Lords, but the Sparks of it will eternally fly in their Adversaries Faces.

Now before this Test could in so vigorous an opposition pass the House of Peers, there arose unexpectedly a great controverſie betwixt the two Houses, concerning their Privileges on this occasion, the Lords according to their undoubted Right, being the Supreme Court of Judicature in the Nation, had upon Petition of Doctor *Shirley*, taken cognizance of a Cause between him and Sir *John Fagg*, a Member of the House of Commons, and of other Appeals from the Court of *Chancery*, which the Commons, whether in good earnest, which I can hardly believe, or rather some crafty Parliament men among them, having an eye upon the Test, and to prevent the hazard of its coming among them, presently took hold of, and blew the Coals to such a degree, that there was no quenching them.

In the House of Peers both Parties, as in a Point of their own Privilege, easily united, and were no less inflamed against the Commons, and to uphold their own ancient Jurisdiction; wherein nevertheless both the Lords for the Test, and those against it, had their own particular reasons, and might have accused each other perhaps of some artifice; the matter in conclusion was so husbanded on all sides, that any longer Converse betwixt the two Houses grew impracticable, and his Majesty Prorogued them therefore till the 13th of October 1675, following: And in this manner that fatal Test which had given so great disturbance to the Minds of our Nation, dyed the second Death, which in the language of the Divines, is as much as to say, it was *Damned*.

The House of Commons had not in that Session been wanting to Vote 300000*l.* towards the Building of Ships, and to draw a Bill for appropriating the ancient *Tunnage* and *Powndage*, amounting to 400000*l.* yearly, to the use of the Navy, as it ought in Law already, and had been granted formerly upon that special Trust and Confidence, but neither did that 300000*l.* although competent at present, and but an earnest for future meeting, seem considerable, and had it been more, yet that Bill of appropriating any thing to its true use, was a sufficient cause to make them both miscarry, but upon pretence of the Quarrel between the Lords and Commons in which the Session thus ended.

The Conspirators had this Interval to reflect upon their own Affairs. They saw that the King of France (as they called him) was so busie abroad, that he could not be of farther use yet, to them here, than by his directions, while his Armies were by the assistance of the English Forces

Forces, several times saved from ruines. They considered that the *Test* was defeated, by which the *Papists* hoped to have had *Reprisals* for that of *Transubstantiation*, and the Conspirators to have gained Commission, as extensive and arbitrary, as the malice of their own hearts could dictate: that herewith they had missed of a legality to have raised Money without consent of Parliament, or to imprison or execute whosoever should oppose them in pursuance of such their Commission. They knew it was in vain to expect that his Majesty in that want, or rather opinion of want, which they had reduced him to, should be diverted from holding this Session of Parliament, nor were they themselves for this once wholly averse to it, for they presumed either way to find their own account, that if Money were granted, it should be attributed to their influence, and remain much within their disposal, but if not granted, that by joyning this with other accidents of Parliament, they might so represent things to his Majesty as to incense him against them, and distrusting all Parliamentary Advice to take Counsel from themselves, from *France*, and from necessity.

And in the mean time they fomented all the Jealousies which they caused. They continued to inculcate *Forty and One* in Court and Country.

Those that refused all the Money they demanded, were to be the only Reculants, and all that asserted the Liberties of the Nation, were to be reckoned in the *Classis* of *Presbyterians*.

The 13th of *October* came, and his Majesty now asked not only a Supply for his Building Ships, as formerly, but further, to take off the *Anticipation* upon his *Revenue*.

The House of Commons took up again such Publick Bills as they had on foot in their former Sitting, and others that might either Remedy present, or prevent future Mischiefs.

The Bill for *Habeas Corpus*.

That against sending Men prisoners beyond Sea.

That against raising Money without consent of Parliament.

That against *Papists* Sitting in either House.

Another Act for speedier Convicting of *Papists*.

That for recalling his Majesties Subjects out of the *French Service*, &c. And as to his Majesty's Supply, they proceeded in the former method of the Two Bills, One for raising 300000 *l* and the other for appropriating the *Tonnage* and *Powndage* to the use of the *Navy*.

And in the Lords House there was a good disposition towards things of publick Interest: But 300000 *l* was so insipid a thing to those who had been continually regaled with Millions, and that Act of Appropriation, with some others, went so much against Stomach, that there wanted only an opportunity to reject them, and that which was readiest at hand was the late quarrel betwixt the House of Lords and the Commons. The House of Commons did now more peremptorily than ever oppose the Lords Jurisdiction in Appeals: the Lords on the other side were resolved not to depart from so essential a Privilege and Authority, but to proceed in the exercise of it: So that this dispute was raised to a greater Ardour and Contention than ever, and there appeared no way of Accommodation. Hereupon the Lords were in consultation for an Address to his Majesty, containing many weighty reasons for his Majesties Dissolving this Parliament, deduced from the nature and behaviour of the present House of Commons: But his Majesty, altho the Transaction between the Two Houses was at present become impracticable, Judging that this House might at some other time be of use to him, chose only to Prorogue the Parliament; The blame of it was not only laid, but aggravated upon those in both Houses, but especially on the Lords House, who had most vigorously opposed the *French* and *Papist* Interest. But those who were present at the Lords, and observed the Conduct of the Great Ministers there, conceived of it otherwise; And as to the House of Commons, who in the heat of the Contest, had voted,

That whosoever shall follow or prosecute any Appeal against any Commoner of England, from any Court of Equity before the House of Lords, shall be deemed and taken a betrayer of the Rights and Liberties of the Commons of England, and shall be proceeded against accordingly.

Their Speaker going through *Westminster-Hall* to the House and looking down upon some of those Lawyers, commanded his Mace to seize them, and led them up Prisoners with him, which it is presumed, that he being of his Majesties Privy Council, would not have done, but for what some Men call his Majesties Swiftness; and yet it was the highest, this, of all the Provocations which the Lords had received in this Controversie. But however this fault ought to be divided, there was a greater committed in Proroguing the Parliament, from the 22 of *November* 1675, unto the 13th of *February*, 1676. And holding it after that dismissal, there being no Record of any such thing done since the beginning of Parliaments in *England*, and the whole reason of Law no less than the Practice and Custom holding contrary.

This vast space between the meetings of Parliaments cannot more properly be filled up, than with the coherence of those things abroad and at home, that those that are intelligent may observe whether the Conspirators found any interruption, or did not rather suit this event also to the Continuance of their Counsels. The Earl of *Northampton* is not to be esteemed as one engaged in those Counsels, being a person of too great Honour, though the advancing of him to be *Constable of the Tower*, was the first of our Domestick Occurrents. But if they could have any hand in it, 'tis more probable that lest he might perceive their Contrivance

vances, they appalled him in so much Wall to have made him insensible. However Men conjectured even then by the Quality of the Keeper, that he was not to be disparaged with any mean and vulgar Prisoners. But another thing was all along very remarkable, That during this Inter-Parliament, there were five Judges places either fell or were made vacant, (for it was some while before that Sir Francis North had been created Lord Chief Justice of the Common-Pleas;) the Five that succeeded, were Sir Richard Rainsford, Lord Chief Justice of the Kings Bench; Montague, Lord Chief Baron of the Exchequer; Vere Bartie Barrister at Law, one the Barons of the Exchequer; Sir William Scroggs, one of the Justices of the Common-Pleas; and Sir Thomas Jones, one of the Justices of the Kings-Bench. Concerning all whom there is something too much to be said; and it is not out of a Figure of Speech, but for meer reverence of their Profession that I thus pass it over, considering also humane Infirmity, and that they are all by their Patents, *Durante Beneplacito*, bound as it were to their Good Behaviour. And it is a shame to think what trivial, and to say the best of them, obscure persons have and do stand next in prospect, to come and sit by them. Justice Aikin also by Warping too far towards the Laws, was in danger upon another pretence to have made way for some of them, but upon true Repentance and Contrition, with some *Alms-Deeds*, was admitted to Mercy; and all the rest of the Benches will doubtless have profited much by his, and some other example. Alas, the Wisdom and Probity of the Law, went off for the most part with good Sir Matthew Hale, and Justice is made a meer Property. This poisonous Arrow strikes to the very heart of Government, and could come from no Quiver but that of the Conspirators. What French Counsel, what standing Forces, what Parliamentary Bribes, what National Oaths, and all the other Machinations of wicked Men have not yet been able to effect; may be more compendiously acted by Twelve Judges in Scarlet.

The next thing considrable that appeared preparatory for the next Sessions, was a Book that came out by Publick Authority, Intituled, *Considerations touching the true way to suppress Popery, &c.* A very good Design, and Writ, I believe, by a very good Man, but under some mistakes, which are not to be passed over. One in the Preface, wherein he saith, *The Favour here proposed in behalfe of the Romanists, is not more than they enjoy among Protestants abroad at this day.* This I take not to be true, either in Denmark or Sweden, and some other Countries where Popery is wholly suppressed; and therefore, if that have been effected there, in ways of prudence, and consulting with Christianity, it ought not to have been in so general words mis-represented.

Another is P. 59. and 60. a thing ill and dangerously said, concluding; *I know but one Instance, that of David in Gath, of a Man that was put to all these straits, and yet not corrupted in his Principles.* When there was a more illustrious Example near him, and more obvious.

What else I have to say in passing, is, as to the ground-work of his whole design; which is to bring Men nearer, as by a distinction betwixt the Church and Court of Rome; a thing long attempted, but ineffectually, it being the same thing as to distinguish betwixt the Church of England, and the English Bishops, which cannot be separated. But the intention of the Author, was doubtless very honest, and the English of that Profession, are certainly of all *Papists* the most Sincere and most worthy of Favour; but this seemed no proper time to negotiate further than the Publick Convenience.

There was another Book likewise that came out by Authority, towards the approach of the Session, Intituled, *A Packet of Advice to the Men of Shafsbury, &c.* But the name of the Author was concealed, not out of any spark of Modesty, but that he might with more security exercise his impudence, not so much against those Noble Lords, as against all publick Truth and Honesty. The whole composition is nothing else but an Infusion of Malice, in the Proth of the Town, and the scum of the University, by the Prescription of the Conspirators; Nor, therefore did the Book deserve naming, no more than the Author, but that they should Rot together in their own Infamy, had not the first events of the following Session made it remarkable, that the Wizard dealt with some Superior Intelligence.

And on the other side, some scattering Papers stragled out in Print, as usual for the Information of Parliament Men, in the matter of Law concerning Prorogation, which all of them, it is to be presumed, understood not, but was like to prove therefore a great Question.

As to matters abroad from the Year 1674, That the Peace was concluded betwixt England and Holland; the French King, as a marke of his displeasure, and to humble the English Nation, let loose his Privateers among our Merchant-men: There was thenceforth no security of Commerce or Navigation notwithstanding the publick Amity betwixt the two Crowns, but at Sea they Murthered, Plundered, made Prize, and confiscated those they met with. Their Picaroons laid before the Mouth of our Rivers, hovered all along the Coast, took our Ships in the very Ports, that we were in a manner blocked up by Water. And if any made application at his Sovereign Port for Justice, they were insolently baffled, except some few, that by Sir Ellis Leighton's Interest, who made a second Prize of them, were redeemed upon easier Composition in this manner it continued from 1674. till the latter end of 1676 without remedy, even till the time of the Parliaments Sitting: So that Men doubted whether even the

Conspirators

Conspirators were not Complices also in the matter, and found partly their own account in it. For evidence of what is said, formerly, the Paper at the end of this Treatise annexed may serve, returned by some Members of the Privy Council to his Majesties Order, to which was also adjoynd a Register of so many of the *English* Ships as then came to notice which the *French* had taken; (and to this day cease not to treat our Merchants at the same rate.) And yet all this while that they made these intolerable and barbarous Pyracies, and Depredations upon his Majesties Subjects, from hence they were more diligently then ever supplied with Recruits, and those that would go voluntarily into the *French* Service were encouraged, others that would not, pressed, imprisoned, and carried over by main force, and constraint, even as the Parliament here was ready to sit down; notwithstanding all their former frequent applications to the contrary. And his Majesties Magazines were daily emptied to furnish the *French* with all sorts of Ammunition, of which the following Note contains; but a small parcel, in comparison of what was daily conveyed away, under colour of Cockets for *Jersey*, and other places.

A short Account of some Ammunition, &c. Exported from the Port of London to France, from June 1675. to June 1677.

Granadoes without number, Shipt off under the colour of unwrought *Iron*, *Lead Shot* 21 Tuns, *Gunpowder*, 7134 Barrels, *Iron Shot*, 18 Tun, 600 Weight, *Match* 88 Tun, 1000, Weight. *Iron Ordnance* 441, Quantity, 292 Tuns, 900 Weight. Carriages, Battidiers, Pikes, &c, uncertain.

Thus was the *French* King to be gratified for undoing us by Sea with contributing all that we could rap and rend of Men, or Ammunition at Land, to make him more potent against us, and more formidable.

Thus are we at length arrived at this much controverted, and as much expected Session. And tho' the way to it hath proved much longer than was intended in the entry of this Discourse, yet is it very short of what the matter would have afforded, but is past over to keep within bounds of this Volumn. The 15th of February 1676. came, and that very same day, the *French* King appointed his march for *Flanders*; it seemed his Motions were in that just Cadence, and that as in a *Grand Ballet*, he kept time with those that were turned here to his measure. And he thought it a becoming Gallantry, to take the rest of *Flanders*, our natural Out-work in the very face of the King of *England* and his *Petite Maison* of Parliament.

His Majesty demanded of the Parliament in his Speech at the opening of the Sessions, a Supply for building of Ships, and the further continuance of the additional Excise upon Beer and Ale, which was to expire the 24th of June 1677, and recommended earnestly a good correspondence between the two Houses, representing their last differences as the reason of so long a Prorogation, to allay them. The Lord Chancellor as is usual with him, spoiled all, which the King had said so well, with straining to do it better; For indeed the mischances of all the Sessions, since he had the Seals, may in great part be ascrib'd to his indiscreet & unlucky Eloquence. And had not the Lord Treasurer a far more effectual way of perswasion with the Commons, there had been the same danger of the ill success of this Meeting, as of those formerly. Each House being now seated, the Case of this long Prorogation had taken place so far without doors, and was of that consequence to the constitution of all Parliaments, and the validity of all proceedings in this Session, that even the Commons, though sore against their inclination, could not pass it over. But they handled it so tenderly, as if they were afraid to touch it.

The first day, instead of the Question, whether the Parliament were by this unprecedented Prorogation indeed Dissolved, it was proposed something ridiculously, Whether this Prorogation were not an Adjournment? And this Debate too they Adjourned till the next day, and from thence they put it off till the Monday Morning. Then those that had proposed it, yet before they would enter upon the Debate, asked, Whether they might have liberty? as if that had not been more than implied before, by Adjourning the Debate, and as if Freedom of Speech were not a concession of Right, which the King grants at the first opening of all Parliaments. But by this faintness, and Half-counsel, they taught the House to deny them it. And so all that matter was wrapped up in a cleanly Question, Whether their grand Committees should sit, which involving the Legitimacy of the Houses sitting, was carried in the Affirmative, as well as their own heart could wish: But in the Lords House it went otherwise. For the first day, as soon as the Houses were separate, the Duke of Buckingham, who usually saith what he thinks, argued by all the Laws of Parliament, and with great strength of reason, that this Prorogation was Null and this Parliament consequently Dissolved, offering moreover to maintain it to all the Judges, and desiring, as had been usual in such Cases, but would not here be admitted, that even they might give their Opinions. But my Lord Frechwell as a better Judge of so weighty a point in Law, did of his great Courtship move, That the Duke of Buckingham might be called to the Bar, which being opposed by the Lord Salisbury, as an extravagant motion, but the Duke of Buckingham's Proposal asserted, with all the *Cecilian* height of Courage and Reason, the Lord Arundel of *Treize*, a Peer of no less consideration and Authority, than my Lord Frechwell, and as much out of order, as if the Salt had been thrown down, or an Hare had crossed his way, Opening, renew'd the motion for calling

the Duke to the Bar; But there were yet too many Lords between, and the *Couriers* of the House of Commons brought up advice every moment, that the matter was yet in agitation among them, so that the Earl of *Shaftsbury* had opportunity to appear with such extraordinary vigor, both in what concerned the Duke of *Buckingham's* Person and his Proposal, that as the Duke of *Buckingham* might have stood single in any rational Contest, so the Earl of *Shaftsbury* was more properly another Principal, than his Second. The Lord *Chancellor* therefore in Answer undertook, on the contrary, to make the *Prorogation* look very formal, laying the best colours upon it, after his manner when Advocate, that the Cause would bear, (and the worst upon his Opponents) but such as could never yet endure the Day-light. Thus for five or six hours it grew a fixed Debate, many arguing it in the regular method; till the expected News came, that the Commons were rose without doing any thing; whereupon the greater number called for the Question, and had it in the Affirmative, that the Debate should be laid aside.

And being thus flushed, but not satisfied with their Victory, they fell upon their Adversaries in cool Blood, questioning such as they thought fit that same night, and the Morrow after, sentencing them, the Duke of *Buckingham*, the Earl of *Salisbury*, the Earl of *Shaftsbury*, and the Lord *Wharton* to be committed to the Tower, under the notion of Contempt, during His Majesties, and the Houses pleasure. That Contempt was their refusing to recant their Opinion, and ask Pardon of the King, and the House of Lords. Thus a *Prorogation* without President, was to be warranted by an Imprisonment without Example. A sad Instance, and whereby the Dignity of Parliament, and especially of the House of Peers, did at present much suffer, and may probably more for the future: for nothing but Parliament can destroy Parliament. If a House shall once be Felon of it self, and stop its own breath, taking away that liberty of Speech, which the King verbally and of course, allows them (as now they had done in both Houses) to what purpose is it coming thither? But it was now over, and by the weakness in the House of Commons, and the force in the House of Lords, this presumptuous Session was thus far settled, and confirmed; so that hence forward Men begun to wipe their Mouths, as if nothing had been, and to enter upon the Publick Business.

And it is remarkable that shortly after upon occasion of a discourse among the Commons concerning *Libels* and *Pamphlets*, first one Member of them stood up, and in the Face of their House said, That it was affirmed to him, by a person that might be spoke with, that there were among them, Thirty, Forty, Fifty, God knows how many, Outlawed. Another thereupon rose, and told them, It was reported too, that there were divers of the Members Papists; A Third; That a multitude of them were Bribed, and Pensioners. And yet all this was patiently hushed up by their House, and digested, being it seems a thing of that Nature, which there is no reply to; which may very well administer, and deserve a serious reflection, how great an opportunity this House of Commons lost, of ingratiating themselves with the Nation, by acknowledging in this Convention their invalidity to proceed in Parliament, and by Addressing to His Majesty as being Dissolved, for a Dismission. For were it so, that all the Laws of England require, and the very Constitution of our Government, as well as Experience, teaches the necessity of the frequent Meeting, and change of Parliaments, and suppose that Question concerning this *Prorogation*, were by the Custom of Parliaments to be justified, which hath not been done hitherto) yet who, that desires to maintain the reputation of an honest Man, would not have laid hold upon so plausible an occasion, to break Company, when it was grown so scandalous. For it is too notorious to be concealed, that near a third part of the House have Beneficial Offices under His Majesty, in the Privy Council, the Army, the Navy, the Law, the Household, the Revenue both in England and Ireland, or in attendance on His Majesties Person. These are all of them indeed to be esteemed Gentlemen of Honour, but more or less according to the quality of their several employments under His Majesty, and it is to be presumed that they brought along with them some Honour of their own into His service at first to set up with. Nor is it fit that such an Assembly should be destitute of them to inform the Commons of His Majesties Affairs, and Communicate his Counsels, so that they do not by irregular procuring Elections in place where they have no proper interest, thrust out the Gentlemen that have, and thereby disturb the several Countries; nor that they crowd into the House in numbers beyond Modesty, and which instead of giving a Temper to their deliberations, may seem to affect the predominance. For although the House of Peers, besides their Supreme and sole Judicature, have an equal power in the Legislature with the House of Commons, and as the second thoughts in the Government have often corrected their Errors: yet it is to be confessed, that the Knights, Citizens and Burgesses there Assembled, are the Representers of the People of England, and are more peculiarly impowred by them to transact concerning the Religion, Lives, Liberties, and the Propriety of the Nation. And therefore no Honourable Person, related to His Majesties more particular Service, but will in that place and opportunity suspect himself, lest his Gratitude to his Master, with his Self-interest should tempt him beyond his obligation there to the Publick. The same excludes him that may next inherit from being Guardian to an Infant, not but there may the same Affection and Integrity be found in those of the Father's side as those of the Mothers, but

out of decent and humane caution, and in like manner however his Majesties Officers, may be of as sound and untainted Reputation as the best, yet common Discretion would teach them not to seek after and ingross such different Trusts in those bordering Interests of the King and Country, where from the People they have no Legal Advantage, but so much may be gained by betraying them. How improper would it seem for a Privy Counsellor if in the House of Commons he should not justify the most Arbitrary Proceedings of the Council-Table, represent Affairs of State with another Face, defend any Mis-government, patronize the greatest Offenders against the Kingdom, even though they were to his own particular Enemies, and extend the supposed Prerogative on all occasions, to the detriment of the Subjects certain and due Liberties! What self-denial were it in the Learned Council at Law, did they not vindicate the Misdemeanours of the Judges, perplex all Remedies against the Corruptions, and Inroad of Courts of Judicature, Word all Acts towards the advantage of their own Profession, palliate unlawful Elections, extenuate and advocate Publick Crimes, where the Criminal may prove considerable; step into the Chair of a Money-Bill, and pen the Clauses so dubiously, that they may be interpretable in *Westminster-Hall* beyond the Houses Intention, mislead the House, not only in point of Law, but even in matter of Fact, without any respect to *Veracity*, but all to his own further Promotion! What Soldier in Pay but might think himself fit to be cashiered, should he oppose the increase of standing Forces, the depression of Civil Authority, or the Levying of Money by whatsoever means or in what Quantity? Or who of them ought not to abhor that Traiterous Position of taking Arms by the King's Authority against those that are *Commissionated* by him in pursuance of such Commission? What Officer of the Navy but takes himself under Obligation to magnify the Expence, extol the management, conceal the neglect, increase the Debts, and press the Necessity, rigging and unrigging it to the House in the same moment, and representing it all at once in a good and a bad condition? Should any Member of Parliament and of the Exchequer omit to transform the Accounts, conceal the Illnes, heighten the Anticipations, and in despite of himself oblige whosoever chance to be Lord Treasurer; might not his Reversioner justly expect to be put into present possession of the Office? who that is either concerned in the Customs, or of their Brethren of the Excize, can with any decency refuse, if they do not invent, all further Impositions upon Merchandise, Navigation, or our own Domestick Growth and Consumption; and if the Charge be but Temporary, to perpetuate it? Hence it shall come that instead of relieving the Crown by the good old and certain way of Subsidies, wherein nothing was to be got by the House of Commons, they devised this Foreign course of Revenue, to the great Grievance and double Charge of the People, that so many of the Members might be gratified in the Farms or Commissions.

But to conclude this digression, whatsoever other Offices have been set up for the use of the Members, or have been extinguished upon occasion, should they have failed at a Question, did they not deserve to be turned out? Were not all the Votes as it were in *Fee Farm*, of those that were intrusted with the Sale? Must not *Surinam* be a sufficient cause of quarrel with *Holland*, to any Commissioner of the Plantations? Or who would have denied Money to continue the War with *Holland*, when he were a Commissioner of Prizes, of Sick and Wounded, of Transporting the *English*, or of Starving the *Dutch* Prisoners? How much greater then would the hardship be for those of His Majesties Household, or who attend upon His Royal Person, to forget by any chance Vote, or in being absent from the House, that they are His Domestique Servants? Or that all those of the Capacity above-mentioned are to be looked upon as a distinct Body under another Discipline; and whatsoever they may commit in the House of Commons against the National Interest, they take themselves to be justified by their Circumstances, their Hearts indeed are, they say, with the Country, and one of them had the boldness to tell His Majesty, That he was come from Voting in the House *Against his Conscience*.

And yet these Gentlemen being full, and already in Employment, are more good natured and less dangerous to the Publick, than those that are hungry and out of Office, who may by probable computation, make another Third part of this House of Commons. Those are such as having observed by what steps, or rather leaps and strides, others of their House have ascended into the highest Places of the Kingdom, do, upon measuring their own Birth, Estates, Parts and Merit, think themselves as well and better qualified in all respects as their former Companions. They are generally Men, who by speaking against the *French*, inveighing against the Debauches of Court, talking of the ill management of the Revenue, and such Popular Flourishes, have cheated the Countries into Electing them; and when they come up, if they can speak in the House, they make a faint attack or two upon some great Minister of State, and perhaps relieve some other that is in danger of Parliament, to make themselves either way considerable.

In matters of Money they seem at first difficult, but having been discoursed with in private, they are set right, and begin to understand it better themselves, and to convert their Brethren: for they are all of them to be bought and Sold, only their Number makes them cheaper, and each of them doth so over-value himself, that sometimes they out-stand or let slip their own Market.

It is not to be imagined, how small things in this case, even Members of great Estates will stoop at, and most of them will do as much for Hopes, as others for Fruition, but if their patience be tired out, they grow at last mutinous, and revolt to the Country, till some better occasion offer.

Among these are some Men of the best understanding, were they of equal integrity, who affect to ingross all business, to be able to quash any good motion by Parliamentary Skill, unless themselves be the Authors, and to be the leading Men of the House, and for their natural Lives to continue so. But these are Men that have been once fooled, most of them, and discovered and slighted at Court, so that till some turn of State shall set them in their Adversaries Place, in the mean time they look sullen, make big Motions, and contrive specious Bills for the Subject, yet only wait the opportunity to be the Instruments of the same Counsels, which they oppose in others.

There is a Third part still remaining, but as contrary in themselves as Light and Darkness; Those are either the worst, or the best of Men; The first are most profligate persons that have neither Estates, Consciences, nor good manners, yet are therefore picked out as the necessary Men, and whose Votes will go furthest. The charges of their Elections are defrayed, whatever they amount to, Tables are kept for them at *Whitehall*, and through *Westminster*, that they may be ready at hand, within Call of a Question: All of them are received into Pension, and know their Pay-day, which they never fail of; Insomuch that a great Officer was pleased to say, *That they came about him like so many Jackdaws for Cheese, at the end of every Session*. If they be not in Parliament, they must be in Prison, and as they are Protected themselves by Privilege, so they sell their Protections to others to the obstruction so many years together of the Law of the Land, and the publick Justice: for these it is, that the long and frequent Adjournments are calculated; but all, whether the Court, or the Monopolizers of the Country Party, or those that Prophane the Title of old Cavaliers, do equally, though upon differing reasons, like Death apprehend a Dissolution. But notwithstanding these, there is an handful of *Salt*, a sparkle of *Soul* that hath hitherto preserved this gross Body from Putrefaction, some *Gentlemen* that are constant, invariable, indeed *Englishmen*, such as are above *hopes*, or *fears*, or *dissimulation*, that can neither flatter, nor betray their King or Country: But being conscious of their own Loyalty, and Integrity, proceed through good and bad report, to acquit themselves in their Duty to God, their Prince, and their Nation; although so small a scantling in number, that Men can scarce reckon of them more than a *Quorum*; Insomuch that it is less difficult to conceive how Fire was first brought to light in the World, than how any good thing could ever be produced out of an House of Commons so constituted, unless as that is imagined to have come from the rushing of Trees, or battering of Rocks together, by accident, so these by their clashing, with one another, have struck out an useful effect from so unlikely Causes. But whatsoever casual good hath been wrought at any time by the assimilation of ambitious, factious, and disappointed Members, to the little, but solid, and unbiassed Party, the more frequent ill effects, and consequences of so unequal a mixture, so long continued, are demonstrable and apparent. For while scarce any Man comes thither with respect to the Publick Service, but in design to make and raise his Fortune, it is not to be expressed, the Debauchery and Lewdness, which upon occasion of Election to Parliaments, are now grown habitual thorow the Nation. So that the Vice and Expence are risen to such a prodigious height, that few sober Men can endure to stand to be chosen on such conditions. From whence also arise Feuds, and perpetual Animosities over most of the Counties, and Corporations, while Gentlemen of Worth, Spirit, and ancient Estates and Dependencies, see themselves overpowered in their own Neighborhood, by the Drunkenness and Bribery of their Competitors. But if nevertheless any worthy person chance to carry the Election, some mercenary or corrupt Sheriff makes a double Return, so the Cause is handed to the Committee of Elections, who ask no better, but are ready to adopt his Adversary into the House if he be not Legitimate. And if the Gentleman aggrieved seek his Remedy against the Sheriff in *Westminster-Hall*, and the proofs be so palpable, that the *Kings-Bench* cannot invent how to do him injustice, yet the major part of the Twelve Judges shall upon better consideration vacate the Sheriffs Fine, and reverse the Judgment; but those of them that dare dissent from their Brethren are in danger to be turned off the Bench without any Cause assigned. While Men therefore care not thus, how they get into the House of Commons, neither can it be expected that they should make any Conscience of what they do there, but they are only intent how to reimburse themselves (if their Elections were at their own charge) or how to bargain their Votes for a place, or a Pension. They list themselves straightways into some Court Faction, and it is as well known among them, to what Lord each of them retain, as when formerly they wore Coats and Badges. By this long haunting so together they are grown too so familiar among themselves, that all reverence of their own Assembly is lost, that they live together not like Parliament-men, but like so many Good Fellows, met together in a Publick House to make Merry. And which is yet worse, by being so thoroughly acquainted, they understand their Number and Party, so that the use of so publick a Counsel is frustrated, there is no place for deliberation.

deliberation, no perswading by reason, but they can see one anothers Votes through both Throats and Cravats before they hear them.

Where the Cards are so well known, they are only fit for a Cheat, and no fair Gamester, but would throw them under the Table.

Hereby it is that their House hath lost all their ancient Weight and Authority, and being conscious of their own guilt and weakness, dare not adventure, as heretofore, the impeaching of any Man before the Lords, for the most hainous Crimes of State, and the most Publick Misdemeanors, upon which confidence it is, that the Conspirators have so long presumed, and gone unpunished. For although the Conspirators have sometimes (that this House still might appear necessary to the People, and to make the Money more glib) yielded, that even their own Names should be tossed among them, and Grievances be talked of, yet, at the same time they have been so prevalent as to hinder any Effect, and if the House has Emancipated it self beyond Instructions, then by Chastizing them with *Prorogations*, frightening them with *Dissolution*, comforting them with long, frequent, and seasonable *Adjournments*, now by suspending, or diminishing their Pensions, then again by increasing them, sometimes by a scorn, and otherwhiles by a favour, there hath a way been found to reduce them again under Discipline. All these things and more being considered, and how doubtful a foot this long Parliament now stood upon by this long *Prorogation*, there could not have been a more Legal, or however no more wise and honest a thing done, than for both the Lords and Commons to have separated themselves, or have besought His Majesty to that purpose, lest the Conspirators should any longer shelter and carry on their design against the Government and Religion, under this shadow of *Parliamentary Authority*. But it was otherwise ordered, of which it is now time to relate the Consequences.

The four Lords having thus been committed, it cannot properly be said, that the House of Peers was thence-forward under the Government of the Lord *Frechwell*, and the Lord *Arundel of Trerise*, but those two Noble Peers had of necessity no small influence upon the *Counsels* of that House, (having hoped e're this to have made their way also into His Majesties Privy Council) and all things fell out as they could have wished, if under their own direction. For most of them, who had been the most active formerly in the Publick Interest, sate mute in the House, whether, as is probable out of reverenceto their two Persons, and confidence in their Wisdom, they left all to their Conduct, and gave them a general Proxy, or whether, as some would have it, they were sullen at the Commitment of the four Lords, and by reason of that, or the *Prorogation*, began now to think the Parliament or their House to be *Non compos*. But now therefore Dr. *Cary*, a *Commoner*, was brought to the Bar before them, and question'd concerning a written Book which it seems he had carried to be *Printed*, treating of the illegality of this *Prorogation*, and because he satisfied them not in some Interrogatories, which no Man would in common Honour to others, or in Self-preservation as neither was he in Law bound to have answered, they therefore *Fined* him a thousand pounds, under that new notion of Contempt, when no other Crime would do it, and sentenced him to continue close prisoner in the *Tower* until Payment. Yet the *Commons* were in so admirable good temper (having been conjured by the charming Eloquence of the Lord Chancellor, to avoid all misunderstanding between the two Houses) that there could no Member, or time be found in all the Session, to offer their House his Petition, much less would that breach upon the whole Parliament, by imprisoning the Lords, for using their Liberty of their Speech, be entertained by them upon motion, for fear of entrenching upon the Priviledge of the House of Peers, which it had been well for them if they had been as tender of formerly.

One further Instance of the Complexion of their House, at that Season, may be sufficient. One Mr. *Harrington* had before the Session been committed close prisoner (for that was now the mode, as though the Earl of *Northampton* would not otherwise have kept him close enough) by Order of the King and Council, the Warrant bearing for *subornation of Perjury*, *sending to the Defamation of His Majesty and His Government*, and for *Contemptuously Declaring, he would not answer His Majesty any Question, which His Majesty, or His Privy Council should ask him*. As this Gentleman was hurried along to the *Tower*, he was so dextrous as to convey into a Friends Hand passing by, a Blank Paper only with his name, that a Petition might be written above it, to be presented to the House of *Commons*, without rejecting, for want of his own hand in the Subscription. His Case notwithstanding the Warrant was thus.

He had met with two *Scotch* Soldiers in *Town* returned from *Flanders*, who complained that many of their Countrymen had in *Scotland* been seized by force, to be carried over into the *French* Service, had been detained in the publick Prisons till an opportunity to transport them: were heaved on board fast tied and bound like Malefactors, some of them struggling and contesting it, were cast into the Sea, or maimed, in conclusion, an intolerable violence and barbarity used to compel them, and this near the present Session of Parliament. Hereupon this Gentleman considering how oft the House of *Commons* had addressed to His Majesty, and framed an Act for recalling His Majesties Subjects out of the *French* Service; as also that his Majesty had issued his Proclamation to the same purpose, thought he might do a good and acceptable thing in giving information of it to the House as time served. But withal,

knowing

knowing how witnesses might possibly be taken off, he, for his own greater security, took them before a Master of *Chancery*, where they confirmed by Oath the same things they had told him. But hereupon he was brought before His Majesty, and the Privy Council, where he declared this matter, but being here asked by the Lord Chancellor some insinuating and improper questions, he modestly, as those that were by affirmed, desired to be excused from answering him further, but after this, answered His Majesty with great Humility and Respect to divers Questions. This was the subornation of Perjury; and this the Contempt to his Majesty, for which he was made close Prisoner. Upon his Petition to the House of *Commons*, he was sent for, and called in, where he is reported to have given a very clear account of the whole matter, and of his behaviour at the Council-Board. But of the two *Scotch* Soldiers, the one made himself Perjured without being suborned by *Harrington*, denying or mis-representing to the House what he had Sworn formerly. And the other, the honest Fellow it seems of the two, only was absented. But however, divers Honourable Members of that House attested voluntarily, that the Soldiers had affirmed the same thing to them, and indeed the Truth of that matter is notorious, by several other Soldiers that since came over, and by further account from *Scotland*. Mr. *Harrington* also carried himself towards the House with that Modesty, that it seem'd inseparable from him: and much more in his Majesty's Presence, so that their House was inclined, and ready to have concerned themselves for his Liberty. But Mr. Secretary *W.* stood up, having been a principal Instrument in committing him, and because the other crimes rather deserved Thanks and Commendation, and the Warrant would not justify it self, he insisted upon his strange demeanor toward His Majesty, deciphered his very looks, how truly it matters not, and but that His Majesty and the House remained still living Flesh and Blood, it might have been imagined by his discourse that Mr. *Harrington* had the Head of a *Gorgan*. But this Story so wrought with, and amazed the *Commons*, that Mr. *Harrington* found no redress, but might Thank God that he escaped again into close Prison. It was thought notwithstanding by most Men that his looks might have passed any where but with a Man of Sir *J.*'s delicacy. For neither indeed had Mr. *Harrington* ever the same opportunities that others had of practising the *Hocus Pocus* of the Face, of playing the *French Scaramucie*, or of living abroad to learn how to make the Plenipotentiary *Grimace* for His Majesty's Service.

And now to proceed, rather according to the coherence of the matters, than to the particular Date of every days action. By this good Humour, and the House being so free of the Liberty of their Fellow Commoners, it might be guessed that they would not be less liberal of their Money this Session.

The Bill therefore for 600000*l.* Tax for eighteen Months towards the Building and furnishing of Ships easily passed without once dreaming any more of appropriating the Customs.

For the Nation being generally possessed by the Members with the defects of the Navy, and not considering at all from what neglect it proceeded, the House of *Commons* were very willing and glad to take this occasion, of confirming the Authority of their Sitting, and to pay double the Sum that in the former Sessions they had thought necessary towards the Fleet; hereby to hedge in, and purchase their own continuance. And for the same purpose they ingrossed the Act with so numerous a List of Commissioners, that it seemed rather a Register or Muster-Roll of the Nation, and that they raised the whole Kingdom to raise the Money. For who could doubt that they were still a lawful Parliament, when they saw so many Gentlemen's names (though by the Clerks hand only) subscribed to an Act of their making? Only Mr. *Seymour*, the Speaker, would have diminished the number in his own Country. For he had entred into a Combination, that none should serve the King or their Country, *thorow Devonshire*, in any capacity, but under his approbation, and therefore he highly in veighed against many Gentlemen of the best Rank there, that ought him no Homage, as Persons disaffected, opposing their Names at a Committee of the whole House, before he heard them. But being checked in his career, he let fall the Contest, with as much judgment and modesty, as he had begun it with Boldness and Indiscretion.

This Bill was not enough, but though the Nation had hoped to be relieved from the Additional Excize upon Beer and Ale, which the Triple League had fooled them into, but was now of course to expire the 24th of June 1677. Yet a Bill for continuing it for three years more, passed them likewise with little difficulty. For the late fear of Dissolution was still so fresh upon them, that they would continue any thing to buy their own Continuance; and this Bill might, considering their present want of Legality, have been properly Intituled, *An Act for the Extraordinary Occasion of the House of Commons*. But that they might seem within this tenderness to themselves not to have cast off all toward the People, they sunk all former Grievances into a Bill of *Chancery*, knowing well that a Suit in that Court would be sooner ended, than a Reformation of it be effected; and that thereby they might gain work enough to direct the whole Session. And of their usual Bills for the liberty of the Subjects, they sent up only that of *Habeas Corpus*; pretending, and perhaps truly, that they durst not adventure them either in their own or the Lords House as they were now governed, lest they should be further ensnared by struggling for freedom. But lest they should trouble

themselves too much with Religion, the Lords presented them with two Bills of a very good name, but of a strange and unheard of nature. The one intituled, *An Act for securing the Protestant Religion, by educating the Children of the Royal Family, and providing for the continuance of a Protestant Clergy.* The other, *An Act for the more effectual Convicting and Prosecution of Popish Recusants.* And with these they sent down another for the future regulation of the Presses, and suppressing all unlicensed Books, with Clauses most severe and general upon the Subject, whereof one for breaking all Houses whatsoever on suspicion of any such Pamphlet, whereby Mr. L'Estrange's Authority was much amplified to search any other House with the same liberty as he had Sir Thomas Dolman's.

But as to those two Bills of Religion, although they were of the highest consequence that ever were offered in Parliament, since *Protestancy* came in (and went out of fashion) yet it is to be imagined, how indisputable and easie a passage they found thorow the House of Peers, to the House of Commons; which must be ascribed to the great unanimity among them, after the committing of the Four Lords, and to the Power of those two Noble Peers, their Adversaries which was now so established, that their Sense being once Declared, the rest seemed to yield them an implicate Faith and Obedience; and they were now in such Vogue, that whatsoever was spoken or done any where abroad in perfection, with great weight and judgment, Men said it was *A la Fraicheville*. But if gently and acutely, *A la Trefise*.

That intituled, *An Act for the more effectual Conviction and Prosecution of Popish Recusants*, is too long to be here inserted, and the Fate it met with, makes it unnecessary, for as soon as it was first read, a Gentleman of great Worth and Apprehension spake short, but roundly and thorow against it.

A Second immediately moved that it might not only be thrown out, but with a particular mark of Infamy. And it being without any more ado ready to be put to the Question, a Third demanded that they should stay awhile to see whether there were any one so hardy as to speak a word for it. Which no Man offering at, it was forthwith rejected with this censure added to the Journal.

And because the Body of the Bill was contrary to the Title, this unusual Sentence of the House of Commons, though excusable by the Crimes of the Bill, yet was not to be justified by the Rules of Intercourse between the Two Houses. But because all Men have hence taken occasion to accuse the Lords Spiritual, as the Authors both of this Bill and the other, it is necessary to insert here the true Fact in their just vindication: It was above Two years ago that a select Cabal of great Ministers had been consulting about Church matters, thought it seldom happens (nor did it in this Instance) that the Statesmen are more fortunate in meddling with Religion, than the Churchmen with Government, but each marring them with tampering out of their Provinces. This only difference, that what Ecclesiastical Persons may do by chance or consequence, that harm the others commit on set purpose. For it was by these Politicians, that these two Cockatrice Eggs were laid, and by their assiduous incubation hatched. It is true indeed afterwards they took some few of the Bishops into Communication, and as it were for advice, upon what was before resolved. And to make this Bill go the better down, they flattered them with the other, as wholly calculated forsooth to the Churches Interest. And by this means possibly they prevailed so far, that the Bishops both there and in the House less vigorously opposed. But that the Bishops were either the Contrivers or Promoters of the Bill, is a scandalous falsehood, and devised by the Authors to throw the Odium off from themselves upon the Clergy, and (the Bills that aimed at the ruin of the Church of England having miscarried) to compass the same end by this defamation: A sufficient warning to the Clergy, how to be intrigued with the Statesmen for the future.

The Second Bill follows:

An Act for further securing the Protestant Religion, by Educating the Children of the Royal Family therein, and for the providing for the continuance of a Protestant Clergy.

TO the intent that the Protestant Religion, which through the Blessing of God hath been happily established in this Realm, and is at present sufficiently secured by his Majesties known Piety and Zeal for the preservation thereof, may remain secure in all future times.

Be it Enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this Parliament Assembled, and by the Authority of the same, That upon the Demise of His Majesty that now is, to whom God grant a long and prosperous Reign, and upon the Demise of any other King or Queen Regnant, that shall hereafter bear the Imperial Crown of this Realm, the Archbishops and all and every the Bishops of England and Wales, for the time being, as shall not be disabled by Sickness or other Infirmary, shall within Forty days next after such Demise, repair to Lambeth-House, and being there Assembled, to the number of Nine at least, shall cause to be there ingrossed in Parchment the Oath and Declaration following:

I King or Queen of England, do Declare and Swear, that I do believe that there is not any Transubstantiation in the Sacrament of the Lords Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof by any Person whatsoever. So help me God.

Which Blank shall be filled up with the Christian Name of such King or Queen: And thereupon

thereupon the Prelates so Assembled, shall without delay repair to the Persons of such succeeding King or Queen Regnant, and in humble manner tender the said Oath or Declaration, to be taken by such succeeding King or Queen Regnant, which they are hereby Authorised to Administer, and shall abide in or near the Court by the space of Fourteen days, and at convenient time, as often as conveniently they may, they shall appear in the Presence of such King and Queen ready to receive Command, for administering the said Oath and Declaration, which if such succeeding King and Queen shall make and subscribe in the Presence of them, or any Nine or more of them, they shall attest the doing thereof, by subscribing their Names to a Certificate Indorsed upon the said Indorsement, and carry the same into the high Court of *Chancery* there to be safely deposited amongst the Records of the said Court. And if such King or Queen Regnant shall refuse, or omit to make and subscribe the said Oath and Declaration for the space of fourteen days after such humble tender made in manner aforesaid, the said Prelates may depart from the Court without any further attendance on this occasion. But if at any time afterwards such King or Queen should be pleased to take and subscribe the said Oath and Declaration, and shall signify such pleasure to the Arch-Bishops and Bishops, or any nine or more of them, the said Arch-Bishops and Bishops, or such Nine, or more of them are hereby Authorised and Required forthwith to Administer the same, and to Attest and Certifie the same in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That if any succeeding King or Queen Regnant shall refuse, or omit to make such Oath and Declaration, within the time therefore limited, the same having been tendered in manner aforesaid, or there shall be any Lett, Obstruction, or Hindrance whatsoever, to their making the said tender in manner aforesaid, they are hereby enjoined and required to indorse upon the said Indorsement such refusal or omission, or any Obstruction, Lett or Hindrance that shall happen to them, whereby they are not able to make the said tender according to the Act, and attest the same by subscribing their Names thereunto, and carry the same into the High Court of *Chancery*, there to be safely deposited in manner aforesaid, and if any the said persons hereby appointed to make the said tender shall neglect or refuse to do the same, or in case of any refusal, or omission of making the said oath and declaration, or in case of any obstruction or hindrance to the making of the said tender, shall refuse or neglect to make certificate thereof in manner aforesaid, that the Arch-Bishoprick or Bishoprick of the Person or Persons so refusing, shall be *Ipso facto*, void, as if he or they were naturally Dead, and the said person or persons shall be incapable, during his or their Life or Lives, of that or any other Ecclesiastical Preferment.

And be it further Enacted, That if any King or Queen Regnant, at the time when the Imperial Crown of this Realm shall devolve, shall be under the age of Fourteen years, and that upon his or her attaining the said age of fourteen years, the Arch-Bishops and Bishops shall, and are upon the like penalties hereby enjoyn'd, within fourteen days next after such attaining to the said Age, to assemble at the said place, and thereupon to do and perform all things in preparing and tending the said Oath and Declaration, and making Certificate of the taking or omission thereof, that are required by this Act to be done upon the demise of any King or Queen Regnant.

And be it further Enacted by the Authority aforesaid, That until any succeeding King or Queen Regnant shall make the said Oath and Declaration, in manner aforesaid, such respective King or Queen shall not grant, confer, or dispose of any Arch-Bishoprick of any Bishoprick in *England* or *Wales*, otherwise than in manner following, that is to say, within seven days after the vacancy of any Bishoprick or See, shall be known to the Arch-Bishop of *Canterbury* for the time being, he shall and is hereby required to send forth a Summons in Writing to all the Prelates in *England* and *Wales*, requiring them to meet at a certain convenient time and place, to be appointed by the Summons, to consult concerning the nomination of fit persons for the supply of that vacancy. And in case of vacancy of the Arch-Bishoprick of *Canterbury*, the Arch-Bishop of *York* for the time being. And if that See shall be also vacant, such Prelate of the Realm, as by the Statute of 31 H. 8. ought to have place before the rest in *Parliament*, shall and are hereby required to issue forth the said Summons, and at the said time and place, so appointed, in manner aforesaid, the Prelates then Assembled, being seven at the least, or the major part of them, shall by Writing under their Hands and Seals, nominate three persons, natural-born Subjects of the King, and in Holy Orders, for the supplying of the said Vacancy, and to be placed in such Order as the said Prelates so assembled, or the major part of them shall think fit, without regard to Dignity, Antiquity, or any other Form, which Writing shall be presented to the King, who may thereupon appoint one of the three persons so to be named to succeed in the said vacancy. And the persons so appointed or chosen, shall by due form of Law, according to the course now used, be made Bishop of that See. But if in 30 days after such Presentment of such Names, the King or Queen Regnant shall not elect or appoint which of three persons shall succeed in the said vacant See; or if after such election or appointment there shall be any obstruction or pressing of the usual Instruments and Formalities of Law, in order to his Consecration, then such person, whose Name shall be first written in the said Instrument of nomination,

nation, if there be no election or appointment made by the King within the time aforesaid, shall be the Bishop of the vacant See. And if there be an Election or appointment made, then the Person so appointed shall be the Bishop of the vacant See. And the Arch-bishop of the Province wherein the said Vacancy shall be, or such other person or persons, who ought by his Majesties Ecclesiastical Laws to Consecrate the said Bishop, shall upon reasonable demand, and are hereby required to make consecration accordingly upon pain of forfeiting treble damages and costs to the Party grieved, to be recovered in any of his Majesties Courts at *Westminster*. And immediately after such Consecration, the Person so consecrated, shall be, and is hereby Enacted to be complete Bishop of the said vacant See, and is hereby vested in the Temporalities of the said Bishoprick, and in actual possession thereof, to all intents and purposes, and shall have a Seat and Place in Parliament, as if he had by due forms of Law been made Bishop, and had the Temporalities restored unto him; and in case the Person so first named in the said Instrument of Nomination, or the Person so Elected by the King or Queen Regnant, shall then be a Bishop, so that no Consecration be requisite, then immediately after default of Election or appointment by the King, or immediately after such Election or appointment, if any shall be made within the said time, and any Obstructions in pressing the Instruments and Formalities in Law, in such cases used, the Bishop so first Named or Elected and appointed, shall thereupon, *ipso facto*, be translated, and become Bishop of that See, to which he was so nominated and appointed, and shall be, and is hereby vested in the Temporalities and actual possession thereof to all intents and Purposes, and shall have his *Seat & Place* in Parliament accordingly, and his former See shall become vacant, as if he had been by due forms of Law chosen & confirmed into the same, and had the Temporalities restored unto him.

And be it further Enacted, That until the making the said Oath and Declaration in manner aforesaid, the respective succeeding Kings and Queens that shall not have made and subscribed the same, shall not grant or dispose of any Deanry, or Arch-deaconry, Prebendary, Mastership of any Collège, Parsonage, Vicaridge, or any Ecclesiastical Benefice or Promotion whatsoever, to any other person but such person as shall be nominated for the same, unto the said King or Queen Regnant, by the Arch-bishop of *Canterbury*, or Guardians of the Spiritualities of the said Arch bishoprick for the time being, if the same be within the Province of *Canterbury*; and by the Arch bishop of *York*, or Guardians of the Spiritualities of the said Arch-Bishoprick for the time being, if the same be within the Province of *York*, by writing under their respective *Hands and Seals*, and in case any such as shall be accordingly nominated, shall not be able to obtain Presentation, or grant thereof within 30 days next after such nomination, then the said Person shall and may, and is hereby enabled, by force of the said nomination, to require Institution & Induction from such person and persons unto whom it shall belong to grant the same, who shall accordingly make institution and induction, as if the said person were lawfully presented by the said King or Queen Regnant, upon pain to forfeit to the party grieved, treble damages and costs, to be recovered in any of his Majesties Courts at *Westminster*; and in cases where no Institution or Inductions requisite, the said person so nominated, from and after the end of the said 30 days, shall be, and is hereby actually vested in the possession of such Deanry, Arch-Deaconry, Prebendary, Mastership, Rectory, Parsonage, or Vicarage, Donative, or other Ecclesiastical Benefice or Promotion, and shall be full and absolute Proprietor and Incumbent thereof, to all intents and purposes, as if he had obtained possession thereof upon a legal Grant by the said King or Queen Regnant, and proceeding thereupon in due form of Law.

Provided always and be it Enacted by the Authority aforesaid, That it shall and may be lawful for the Lord High Chancellor of *England*, or the Lord Keeper of the Great Seal of *England* for the time being, to pass Presentations or Grants, to any Ecclesiastical Benefice, under value in the King's Gift, in such manner as hath been accustomed, any thing in this present Act to the contrary notwithstanding.

And be it further Enacted, that during such time as any King or Queen Regnant shall be under the said fourteen years, no person that shall be Lord Protector, or Regent of this Realm, during such Minority, shall in any wise, either in the Name of the King or Queen Regnant, or in his own name grant, confer, or dispose of any Arch-Bishoprick, Bishoprick, Deanry, Prebendary, Mastership of any Collège, Parsonage, Vicarage, or other Ecclesiastical Benefice or Promotion whatsoever, but the same shall be disposed of in manner above-mentioned, during such minority, until such Lord Protector or Regent shall make and subscribe the said Oath and Declaration, (*mutatis mutandis*) before such nine or more of the said Prelats, as he shall call to administer the same unto him, which Oath and Declaration they are hereby authorized and required to administer under the penalties aforesaid, when they shall be called thereunto by such Lord Protector or Regent, for the time being.

And be it further Enacted, that the Children of such succeeding King or Queen Regnant, that shall not have made and subscribed the Oath and Declaration in manner aforesaid, shall from their respective Ages of seven years, until the respective Ages of fourteen years, to be under the Care and Government of the Arch Bishops of *Canterbury* and *York*, and Bishop of *London*, *Durham* and *Winchester*, for the time being, who are hereby enjoyned and required to

take

take care, that they be well Instructed and Educated in the true Protestant Religion, as it is Established by Law, and to the Intent that the Archbishops and Bishops for the time being may effectually have the Care and Government of such Children, according to the true intent of this Law; Be it Enacted, That after any such Children shall have attained their respective Ages of Fourteen years, no person shall have, enjoy, bear and execute any Office, Service, Imployment, or place of Attendance relating to their persons, but such as shall be approved of in writing under the Hands and Seals of the said Archbishops, and Bishops in being, or the major part of such of them as are then in being. And if any person shall take upon him to execute any such Office, Service, Imployment or place of Attendance, contrary to the true intent and meaning of this Act, he shall forfeit the sum of 100*l*. for every Month he shall so execute the same, to be recovered by any person that will sue for the same in any Action of Debt, Bill, Complaint, or Information, in any of His Majesties Courts at Westminster; shall also suffer Imprisonment for the space of Six Months without Bayl or Main-prize.

And be it further Enacted by the Authority aforesaid, That no person born within this Realm, or any other of His Majesties Dominions, being a Popish Priest, Deacon, or Ecclesiastical Person, made, or deemed, or professed by any Authority or Jurisdiction, derived, challenged, or pretended from the See of Rome, or any Jesuit whatsoever shall be allowed to attend the Person of the Queens Majesty that now is, or any Queen Consort, or Queen Dowager, that shall be hereafter, whilst they are within this Realm, or by pretence of such service or any other matter, shall be Exempted from the penal Laws already made against such persons coming into, being, or remaining in this Kingdom, but shall be, and are hereby lyable to the utmost severity thereof.

Provided always, That it shall and may be lawful for Mr. John Huddleston, being one of the Queens Majesties Domestick Servants, to attend Her said Majesties Service, any thing in this Act or any other Law to the contrary notwithstanding.

And be it further Enacted, That after the Death of the Queens Majesty, to whom God grant a long and happy Life, all Lay persons whatsoever born within this Realm, or any other of His Majesties Dominions, that shall be of the Household, or in the Service or Employment of any succeeding Queen Consort or Queen Dowager, shall do and perform all things in a late Act of this Parliament, Entituled, *An Act for preventing Dangers which may happen from Popish Recusants*: Required to be done and performed by any person that shall be admitted into the Service or Employment of His Majesty, or his Royal Highness the Duke of York, which if they shall neglect or refuse to do and perform, and nevertheless after such Refusal shall execute any Office, Service or Imployment under any succeeding Queen Consort, or Queen Dowager, every person so offending, shall be liable to the same penalties, and disabilities, as by the said Act are or may be inflicted upon the breakers of that Law, provided always, That all and every person or persons, that shall by virtue of this Act, have or claim any Arch-Bishoprick, Bishoprick, Deanry, Prebendary, Parsonage, Vicarage, or any Ecclesiastical Benefits, with Cure or without Cure, shall be, and is hereby enjoined, under the like Penalties and Disabilities, to do and perform all things whatsoever, which by Law they ought to have done, if they had obtained the same, and by the usual course and form of Law, without the help and benefit of this Act.

And be it further Enacted, That all and every Arch-Bishops, Bishops, appointed by this Act to Assemble upon the Demise of His Majesty, or any other King or Queen Regnant, in order to repair and make humble tender of the Oath and Declaration aforesaid, to any succeeding King or Queen, be bound by this Act to administer the same, shall before such Tender and Administration thereof, and are hereby required to administer the same Oath and Declaration, to one another, with such of the Arch-Bishops and Bishops at any time assembled as by the Statute 31 H. 8 ought to have precedence of all the rest of them that shall be so assembled, is hereby Authorized and Required to administer to the rest of them, and the next in order to such Prelates, is hereby Authorized and Required to administer the same to him, and the same Oath and Declaration being Engrossed in another piece of Parchment, they and every of them are hereby enjoined to subscribe their Names to the same, and to return the same into the High Court of Chancery, hereafter with their Certificate, which they are before by this Act appointed to make. And if any of the said Arch-Bishops or Bishops, shall be under the same penalties, forfeitures and disabilities, as are hereby appointed for such Arch-Bishops and Bishops, as neglect or refuse to make any tender of the said Oath and Declaration, to any succeeding King or Queen Regnant.

And be it further Enacted, That the Arch-Bishop of Canterbury, or Arch-Bishop of York, or such other Bishop to whom it shall belong to issue forth Summons to all the Bishops of England and Wales requiring to meet and consult concerning the nomination of fit persons, for the supply of any Arch-Bishoprick or Bishoprick, according to this Act, shall make the said Summons in such manner that the time therein mentioned for the meeting the said Arch-Bishops and Bishops shall not be more than Forty days distant from the time of the Debate and issuing out of the said Summons.

And be it further Enacted, That in case any Person Intituled by this Act, doth demand Consecration, in order to make him Bishop of any vacant See in manner aforesaid, shall demand the same of the Arch-Bishop of the Province, and such Arch-Bishop that shall neglect, or refuse to do the same, either by himself or by others Commissioned by him, by the space of thirty days, that then such Arch-Bishop shall over and besides the treble Damages, to the party before appointed, forfeit the sum of 1000 £. to any person that will sue for the same, in any of His Majesties Courts at Westminster by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law shall be allowed. And being thereof lawfully convicted, his Arch-Bishoprick shall thereby become, *ipso facto*, void, as if he were naturally dead, and he shall be, and is hereby made incapable and disabled to hold, have, receive the same, or any other Bishoprick, or Ecclesiastical Benefice whatsoever.

And be it further Enacted, That after such neglect or refusal by the space of Thirty days after demand, to make such Consecration, or in case of the vacancy of the Arch-Bishoprick, such Bishop of the said Province, for time being, who by the Statute of 31 H. 8. ought to have Presidents of all the rest, calling to his assistance a sufficient number of Bishops, who are likewise required to assist at such time and place as he shall thereunto appoint, shall and is hereby required, upon reasonable demands, to make such Consecration which shall be good and effectual in Law, as if the said Bishops were thereunto Authorised, and empowered by Commission from such Arch-Bishop, or any other person or persons, having Authority to grant Commission for the doing the same.

And be it further Enacted, That the said Bishops and every of them are hereby enjoined and required to perform the same, upon pain of forfeiting, upon any neglect or refusal, treble damages to the Party grieved, to be recovered with Costs in any of His Majesties Courts of Record at Westminster, as also the sum of 1000 £. to any person that will sue for the same, in any of His Majesties Courts at Westminster, by any Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law shall be allowed; and being lawfully convicted of any such neglect or refusal, his or their Bishoprick that shall be so convicted, shall become, *ipso facto*, void, as if he or they were naturally dead, and he or they are hereby made incapable, and disabled to have, hold, or receive the same, or any other Bishoprick, or any other Ecclesiastical Benefice whatsoever.

Yet this notorious Bill had not the same accident with the first, but was read a Second time, and committed; wherein their Houses curiosity seems to have led them, rather than any satisfaction they had in the matter, or hope of amending it, for it died away, the Committee disdaining, or not daring publickly to enter upon it, some indeed having, as is said, once attempted it in private, and provided R. S. a fit Lawyer for the Chairman, but were discovered. And thus let these two Bills perish like unreasonable and monstrous Births, but the Legitimate Issue of the Conspirators, and upon the hopes of whose growth they had built the Succession of their Projects.

Henceforward another Scene opens: The House of Commons thorow the whole remainder of this Session, falling in with some unanimity and great vigor against the French Counsels; Of which their proceedings it were easie to assign the more intimate Causes; but they having therein also acted according to the Publick Interest, we will be glad to suppose it to have been their only Motive. That Business having occasioned many weighty Delvates in their House, and frequent Addresses to His Majesty, deserves a more particular account. Nor hath it been difficult to recover it, most of them being unwilling to forget any thing they have said to the purpose, But rather seeking to divulge what they thought was bravely spoken; and that they thought some body, often arrogating where they cannot be disproved, other Men's Conception to their own Honour.

March the 6th. 1676. The House being Resolved into a Committee of the whole House, to consider of Grievances, Resolved,

That a Committee be appointed to prepare an Address, to Represent unto His Majesty the danger of the Power of France, and to desire that His Majesty by such Alliances as he shall think fit, do secure His Kingdoms, and quiet the fears of His People, and for preservation of the Spanish-Netherlands.

May It please Your Majesty,

WE Your Majesties most Loyal Subjects, the Knights, Citizens and Burgeses in Parliament assembled find ourselves obliged in Duty and Faithfulness to Your Majesty, and in discharge of the Trust reposed in us, by those whom we represent, Most humbly offer to Your Majesties Consideration, that the Minds of Your People are much disquieted, with the manifest dangers arising to Your Majesty by the Growth and Power of the French King; Especially by the Acquisition already made, and the further progress like to be made by him, in the Spanish-Netherlands, in the preservation and security whereof, we Humbly conceive the Interest of Your Majesty, and the Safety of Your People are highly concerned; and therefore we most Humbly beseech Your Majesty to take the same into Your Royal Care, and to strengthen Your Self with such stricter Alliances, as may secure Your Majesties Kingdoms, and secure and preserve the said Spanish-Netherlands, and thereby quiet the Minds of Your Majesties People.

This

This Address was presented to His Majesty the 16th of March, and His Majesties Answer was Reported to the House of Commons, by Mr. Speaker, the 17th of March: which was thus;

That His Majesty was of the Opinion of His Two Houses of Parliament; That the Preservation of *Flanders* was of great consequence; and that he would use all means in His Power for the safety of His Kingdoms.

A Motion was therefore made for a Second Address upon the same Subject, on Monday, March 26. which here followeth.

May it please Your Majesty,

WE Your Majesties most Loyal Subjects, the Knights, Citizens and Burgeses in Parliament Assembled, do with unspeakable Joy and Comfort, present our Humble Thanks to Your Majesty, for Your Majesties Gracious acceptance of our late Address, and that Your Majesty was pleased in Your Princely Wisdom to express Your Concurrence and Opinion with Your Two Houses in reference to the Preservation of the Spanish Netherlands.

And we do with most earnest and repeated Desires implore Your Majesty, That You would be pleased to take timely Care to prevent those Dangers that may arise to these Kingdoms by the great Power of the French King, and the Progress he daily makes in those Netherlands and other places.

And therefore that Your Majesty would not defer the entering into such Alliances as may obtain those ends, and in case it shall happen, that in pursuance of such Alliances, Your Majesty should be engaged in a War with the French King, we do hold our selves obliged, and do with all Humility and cheerfulness assure your Majesty, That we Your most Loyal Subjects shall always be ready upon Your signification thereof in Parliament, fully, and from time to time, to assist Your Majesty with such Aids and Supplies, as, by the Divine Assistance, may enable Your Majesty to prosecute the same with success.

All which we do most Humbly offer to Your Majesty as the unanimous Sense and Desire of the whole Kingdom.

March 30. 1677.

IT was alledged against this Address, That to pers the King to make further Alliances with the Confederates against the French King, was in effect to pers him to a War, that being the direct and unavoidable Consequence thereof.

That the consideration of War was most proper for the King, who had Intelligence of Foreign Affairs, and knew the *Arcana Imperii*.

That it was a dangerous thing hastily to incite the King to a War.

That our Merchant-ships and Effects would be presently seized by the French King within his Dominions, and thereby he would acquire the value of, it may be, near a Million to enable him to maintain the War against us.

That he would fall upon our Plantations, and take, plunder and annoy them.

That he would send out abundance of Capers, and take and disturb all our Trading Ships in these Seas, and the Mediterranean.

That we had not so many Ships of War as he, and those Thirty which were to be built with the 60000 l. now given, could not be finished in two years.

That we had not Naval Stores and Ammunition, &c. sufficient for such a purpose, and if we had, yet the season of the year was too far advanced to set out a considerable Fleet: and we could not now lay in Beef, Pork, &c.

That when we were engaged in a War, the Dutch would likely slip Collar, leave us in the War, and so gain to themselves the singular advantage of sole Trading in Peace, which is the priviledge we now enjoy, and should not be weary of.

That it was next to impossible, to make Alliances, with the several parties as might be expected, such and so various were the several Interests and Cross-biases, of and amongst the Emperor, the Spaniard, the Dane, the Dutch, the Brandenburg, and the several lesser Princes of Germany, and others.

That we may easily enter into War, but it would be hard to find the way out of it, and a long War would be destructive to us; for though the Emperor, French, Spaniard, &c. use to maintain War for many years, yet a Trading Nation, as England is, could not endure a long-winded War.

On the other side it was said;

That they did not Address for making War but making Leagues, which might be a means to prevent War.

That the best way to preserve a Peace, was to be in a preparation for War.

That admitting a War should ensue thereupon, as was not unlikely, yet that would tend to our Peace and Safety in conclusion; for it must be agreed, that if the Power of France were not reduced, and brought to a more equal Ballance with its Neighbors, we must fight or submit first or last.

That it was commonly the Fate of those that kept themselves Neutral, when their Neighbors were at War, to become a Prey to the Conqueror.

That now or never was the critical Season to make War upon the French, whilst we may have so great auxiliary conjunction; and if it were a dangerous and formidable thing to Encounter

counter him now, how much more would it be so when this opportunity was lost, the Confederacy disbanded, a Peace made on the other side of the Water, and we left alone to withstand him single.

That as to his seizing our Merchants Effects, the Case was (the same and) no other now than it would be three years hence, or at any time whensoever the War shall commence.

That as to our Plantations and our Traders, we must consider, though the French was Powerful, he was not Omnipotent, and we might as well defend them as the Dutch do theirs by Guards, Convoys, &c. and chiefly when the French have so many Enemies, and we shall have so many Friends, as no other time is like to afford.

That they were sorry to hear we had no Ships, Stores, &c. equal to the French, and to our Occasions, and hoped it would appear to be otherwise.

That the Season was not so far spent, but that a competent Fleet might be set out this Summer, and that however deficient we might be in this kind, the Dutch were forward and ready to make an effectual Supplement in that behalfe.

That howsoever ill and false some Men might esteem the Dutch, yet Interest will not lie, and it is so much their Interest to confine and bring down the French, that it is not to be apprehended, but they will steadily adhere to every Friend, and every Alliance they shall joyn with for that purpose.

That however cross and diverse the several Confederates and their Interests were, yet a common Alliance may be made with them against the French, and as well as they have Allied themselves together, as well may the Alliance be extended to another, to be added to them, viz. The King of England.

That a numerous and vigorous Conjunction against him is the way to shorten the work, whereas, if he should hereafter attack us singly, he would continue the War on us as long as he pleased, till he pleased to make an end of it and us together, by our final destruction.

That if now we should neglect to make Alliances we had no cause to expect to have one Friend, when the French should make Peace beyond Sea, and single us out for Conquest; for all that are conjoynd against the French are provoked and disoblged by reason of the great number of English, Scotch and Irish, which have served, and do still serve the French, and it was proved at the Bar of this House within this fortnight, That 1000 Men were Levied in Scotland, and sent to the French Service in January last, and some of them by force and pressing.

Also that it was understood and resented, that we had mainly contributed to this overgrown greatness of the French, by selling Dunkirk, that special Key and Inlet of Flanders, by making War on the Dutch, in 1665. Whereupon the French joyned with the Dutch, under which shelter and opportunity the French King laid the Foundation of this great Fleet he now hath, buying then many great Ships of the Dutch, and building many others: as to which, but for that occasion, the Dutch would have denied and hindred him, but not observing the Triple League, and by our making a Joint War with the French against the Dutch, in which the French yet proceeds and triumphs. So that in this respect we have much to redeem and retrieve.

That Enmity against the French was the thing wherein this divided Nation did unite, and this occasion was to be laid hold on, as an opportunity of moment amongst our selves.

That the bent and weight of the Nation did lean this way, and that was a strong Inducement and Argument to incline their Representatives.

That it had been made appear, and that in Parliament, that upon the Ballance of the French Trade, this Nation was determined yearly 900000 £. or a Million, the value of the Goods imported from France, annually so much exceeding that of the Goods exported hence thither whereby it is evident, that such a Sum of the Treasure and Money of the Nation was yearly exhausted and carried into France, and all this by unnecessary Wines, Silks, Ribbons, Feathers, &c. The saving and retrenching of which Expence and Exhaustion, will in a great degree serve to maintain the Charge of a War.

That the present was the best time for the purpose, and that this would give Reputation to the Confederates, and Comfort and Courage to our best Friends immediately, and Safety to our Selves in Futurity against the Old perpetual Enemy of England.

The Second Address was presented to His Majesty, March 30, and till April 12, they received no Answer. Inasmuch that it became doubtful, whether the Money Bill would be accepted or no, and if the Commons made any difficulty in passing them, unless they were first secured against the French Interest, it seemed that the Supply would be rejected by the Conspirators good Will; and that even the building of Ships, how necessary soever, might rather have been respite again, as it had in former Sessions, and for the whole long Prorogation. But their House was far from such obstinacy. And the news being come of the taking both of Valenciennes and St. Omers, with the defeat of the Prince of Orange at Mons Cassel, so that now there was no further danger of preventing or interrupting the Successes of the French King this Campagne, at last therefore upon April 12, this following Answer was offered to their House, from His Majesty by Mr. Secretary Coventry.

C. R.

HIS Majesty having considered your last Address, and finding some late Alteration in Affairs abroad, thinks it necessary to put you in mind, That the only way to prevent the dangers which may arise to these Kingdoms, must be by putting his Majesty timely in a condition to make such fitting preparation as may enable him to do what may be most for the security of them. And if for this reason you shall desire to sit any longer time, his Majesty is content you may Adjourn now before Easter, and meet again suddenly after, to ripen this matter, and to perfect some of the most necessary Bills now depending.

Given at our Court at White Hall, the 11th of April, 1677.

Somewhat was said on both these matters, but the Greater debate of them was Adjourned till next day, and then reassumed.

Then it was moved that the House should Adjourn till after Easter, and then meet again, with a Resolution to enable the King to make such preparations as should be thought necessary, and also pass some necessary Bills for the Kingdom, which if they did not, the blame of the neglect, must rest upon themselves, and it would be observed, they had not fate to any effect this four years; and that now they had a Session, and had given a Million, they did take little care to redress Grievances. Or pass good Laws for the People, and that they should not be able to give any account of themselves to their Neighbours in the Country, unless they should face them down, that there was no Grievance or Mischief in the Nation to be redressed, and that the King had stopped their mouths, and laid to them by offering them to sit longer.

Others said, they should perfect the two Mony Bills, and give the King ease, and take another time to consider further of Religion, Liberty and Property, especially seeing all Bills now depending, would be kept on foot, the Intended Recess being to be but an Adjournment, that they had very good Laws already, and would give their shares in any new ones, they were making, to be in the Country at the present time, that it was necessary for them to be there the 10th of May, to Execute the act for 60 000 l. &c. and some time was to be allowed for their Journeys, and rest after it, that the passing some necessary Bills, came in the end of the King's Message, and by the by, for his Majesty saith, That if for this Reason, that is, for making of preparations, &c. they should desire to sit longer, and if so, then also take the opportunity of passing such Bills. So the sense and inclination of the House was to rise before Easter, as had been before intimated and expected.

Then they fell upon the main consideration of the Message, and to make a present Answer.

The Secretary and other Ministers of State said, that the alteration of Affairs which his Majesty took notice of, was the success of the French against the Prince of Orange in the Battel, and their proceedings to take Cambray and S. Omers.

Thus by Inches, or rather great measures they were taking in Flanders, which was reckoned the Our-work of England, as well as Holland, and they said plainly, nothing could put his Majesty in a Condition to make fitting preparations to preserve the Kingdom, but ready mony.

To this it was answered, that it was not proper nor usual to ask mony at the end of a Session, and it was fit that alliances should be first made, and that they should adjourn rather till that were done, for they ought not to give Mony till they knew for what, and it was clearly spoken and made out to them, that if there were no Summers War, there was Mony enough given already.

It was replied, That they had not direction from his Majesty as to what he had resolved, and it might be not convenient to discover and publish such things, but they would offer their Guess and Aim at some things, if their were any Approaches towards War, though they ought to consider and compute like him in the Gospel, whether with such a Force they could encounter a King that came against them with such a force, they should think of providing a Guard for the Isle of Wight, Jersey, and Ireland, and secure our Coasts, and be in a defensive posture on the Land, we might be attacked in a night.

Also there would be a necessity of an extraordinary Summer Guard at Sea, his Majesty did use to apply 400000 l. yearly out of the Customs upon his Fleets, (the very harbour Expence which in Anchorage, Mooring, Docks and repairs, &c. was 100000 l. per annum, and he was now setting forth forty Ships for the Summer Guard, but if there was a disposition towards War, there must be more Ships, or at least those must be more fully manned, and more strongly appointed, and furnished the more, especially if the Breach were sudden, for otherwise our Trading Ships at Sea, as well as those Ships and Goods in the French Ports, would be exposed. Now it is reasonable that the remainder which was above and beyond the Kings ordinary allowance, should be supplied by the Parliament, and the Extraordinary Preparations of this kind for the present, could not amount to less than 200000 l.

It was answered, That it was a Melancholy thing to think *Jersey*, &c. were not well enough secured, at least as well as in the Year 1665, when we alone had War with the *French* and *Dutch* too, and yet the King's Revenue was less then than now. That the Revenue of *Ireland* was 480000 *l.* per annum, beyond the Establishment (that is, the Civil, Military, and all payments of the Government) which if not sent over hither, but disposed there would suffice to defend that Kingdom. And they remember that about a month ago, they were told by some of these Gentlemen, that the *French* King would not take more Towns in *Flanders* if he might have them, but was drawing off to meet the *Germans*, who would be in the field in *May*, and therefore it was strange he should be represented now as ready to invade us, and that we must have an Army raised and kept on our Islands and Land. No they would not have that, it would be a greater matter in the Balance, if the King's Subjects were withdrawn from the *French* service, and applied on the other side, and till that were done, that we did continue to be contributory to the Greatness of *France*. But a Fleet would protect our whole Ships are the defence of an Island and thereby we may hope to keep him at a distance, and not apprehend, or prepare to meet him at our Doors. He learns by *Silly* what it is to invade an Island, he is not like to attempt an Invasion of us, till he hath some Mastery at Sea, which is impossible for him to have, so long as he is diverted and employed at Land, in the *Mediterranean*, and in the *West Indies*, as he is.

And as to our Merchants Ships and Goods, they are in more danger now than they were in any War whensoever. Nay, there was more expectation of this, than there was of the last War, for the first notice we or the *Dutch* had of that Breach, was the Attempt upon their *Smyrna* Fleet.

Also it is observed, that what was said a fortnight ago (that the season was too far advanced to lay in Beef, and it would stink) was admitted to be a mistake, for that now it was urged, that a greater and better appointed Fleet must be furnished out: but still it was insisted on, that they were in the dark, his Majesty did not speak out, that he would make the desired Alliances against the growth of *France*, and resolve with his Parliament to maintain them, and so long as there was any coldness or reservedness of this kind, they had no clear grounds to grant money for preparations. His Majesty was a Prince of that Goodness and Care, towards his People, that none did distrust him, but there was a distrust of some of his Ministers, and a jealousy that they were under *French* Influences; and Complaints and Addresses had been made against them, and upon the discourse of providing for the safety of the Nation, it being said we might be secured by the *Guaranty* of the General Peace, it was reflected on as a thing most pernicious to us, and that our money and endeavours could not be worse applied, than to procure that Peace. Articles are not to be relied on. All that they desired, was, That his Majesty and his People Unanimously, Truly, Sincerely, and thoroughly declare and engage in this business, with a mutual confidence speaking out on both sides, and this, and nothing but this, would discharge and extinguish all jealousies.

But it was Objected, It was not convenient to discover his Majesties secret purposes in a Publick Assembly, it might be too soon known abroad, and there was no reason to distrust his Majesty, but that being enabled, he would prepare and do all things expedient for the Kingdom.

It was answered, That it was usual for Foreign Ministers to get notice of the Councils of Princes, as the Earl of *Bristol* Ambassador in *Spain*, in the last part of *King James's* Reign procured Copies, and often the sight of the Originals of Dispatches, and Cabinet Papers of the King of *Spain*. But acknowledging that his Majesties Councils cannot be penetrated by the *French*, yet the things would in a short time discover themselves: besides they said, They did not much desire secrecy, for let the King take a great resolution, and put himself at the Head of his Parliament and People in this weighty and worthy Cause of *England*, and let a flying Post carry the news to *Paris*, and let the *French* King do his worst.

His Majesty never had, nor never will have cause to distrust his People. In 1667, in confidence of our Aid, he made a League without advice of Parliament (commonly called the *Treaty of Dover*) which was for the Interest of *England*, and whereby his Majesty became the *Arbitrator of Christendom*, and in the Name and upon the Account of that, the Parliament gave him several Supplies.

In 1672, he made War without the Advice of Parliament, which War the Parliament thought not for the Interest of *England* to continue, yet even therein they would not leave him, but gave him 1200000 *l.* to carry himself on and out of it.

How much more are they concerned and obliged to supply and assist him in these Affairs and Wars (if it ensue) which are so much for the Interest of *England*, and entered into by the pressing Advice of Parliament.

We hope his Majesty will declare himself in earnest, and we are in earnest, having his Majesties heart with us. Let his Majesty be as free as air for this Affair: We will not stick at this or that word or thing, but we will go with his Majesty to all Extremities.

We are now afraid of the *French* King, because he has great Force, and extraordinary Skill, and we are now afraid of him, which makes his Affairs to a wonder, but we trust his Majesty will

will have his Business managed by thinking Men, that will be provident and careful of his Interest, and not suffer him to pay, *Cent. per Cent.* more than the things are worth, that are taken up and used: and if the work be entred upon in this manner, we hope England will have English success with France, as it is in Bowling, if your Bowl be well set out, you may wink, and it will go to the Mark.

Were the thing clear and thoroughly undertaken, there would be less reason to dispute of time, there was never a Council but would sit on Sunday, or any day for such Publick Work.

In fine, they said, the Business must lie at one door or other, and they would not for any thing, that it should stay in their hands.

And although they should hope in an Exigence his Majesty would lend to his people, who had given so much to him, yet they said, They could not leave him without providing him a sum of Money, as much as he could use between this and some convenient time after Easter, when he might, if he please command their full attendance, by some publick Notification, and this was the mentioned Sum of 200000*l.* The Expedient they provided for doing this was adding a Borrowing Clause to the Bill for almost 600000*l.* (such an one as was in the *Pol. Bill*) the Effect of which is to enable his Majesty presently to rake up, on the Credit of this Bill 200000*l.* ready money at 7*l.* per Cent. per Annum. Interest.

And this they said might now be done, though the Bill were passed by them, and also (save that they had made the above mentioned amendment) by the Lords, for that *Pol. Bill* was explained by another Act passed a few days after, in the same Session. But in *Hackwell's Modus tenendi Parli. pag. 173.* was a more remarkable Precedent, and exact in the Point.

But after some Discourse of setting loose part of this 600000*l.* &c. they reflected that this 600000*l.* &c. was appropriate for the building of Ships, and they would not have this appropriation unhinged by any means, and thereupon resolved to annex the borrowing Clause to the Bill for continuing the additional duty of Excise, for three years, which was not yet passed; against which it was Objected, That it was given for other purposes, viz. to give the King ease to pay Interest for his Debts, &c. But on the contrary it was answered, That the Preamble speaks not of his Debts, but *His extraordinary Occasions*; but besides they did not intend to withdraw so much of their Gift, but did resolve to reimburse his Majesty the 200000*l.* so much of it, as he should lay out in extraordinary Preparations.

But then it was objected, That this would be a kind of denouncing of War, and that 200000*l.* was a miserable, mean, and incompetent sum to defend us against those whom we should provoke.

But it was Answered, That it was but an Earnest of what they intended, and that they were willing to meet again and give further Supplies; besides the French King was not formidable for any great hurt that he could do us during the Confederacy, there were several Princes of Germany, as the Archbishop of *Mis* and *Triers*, the *Palgrave*, the Duke of *Norburgh*, &c. which are at War with him and are safe, and yet they are much more weak and inconsiderable than we, but they are defended not by their own strength, but by the whole Confederacy.

The Debate concluded in Voting the following Answer, which was presented to his Majesty by the Speaker and the whole House, Friday, April 13.

May it please your Majesty.

WE you Majesties most Dutiful and Loyal Subjects, the Commons in this present Parliament Assembled, do with great satisfaction of mind observe the regard your Majesty is pleased to Express to our former Addresses, by intimating to us the late Alteration of Affairs abroad, and do return our most humble thanks for your Majesties most gracious Offer made to us thereupon in your late Message: and having taken a serious Deliberation of the same, and of the Preparations your Majesty hath therein intimated to us were fitting to be made, in order to those publick ends, we have for the present provided a security in a Bill for the Additional Duty of Excise, upon which your Majesty may raise the sum of 200000*l.* And if your Majesty shall think fit to call us together again for this purpose, in some short time after Easter, by any publick signification of your pleasure, commanding our Attendance; we shall at our next meeting not only be ready to reimburse your Majesty what Sums of money shall be expended upon such Extraordinary Preparations as shall be made in pursuance of our former Addresses; but shall likewise with thankful hearts proceed then, and at all other times, to furnish your Majesty with so large proportion of Assistance and Supplies upon this Occasion, as

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may give your Majesty and the whole World, an ample Testimony of our Loyalty and Affection to your Majesties Service, and as may enable your Majesty by the help of Almighty God, to maintain such stricter Alliances as you shall have entered into against all Opposition whatsoever.

Easter Monday, April 19. Another Message in writing from his Majesty was delivered by Secretary Williamson to the House of Commons, (viz.)

C. R.

HIS Majesty having considered the Answer of this House to the last Message about enabling him to make fitting Preparations for the Security of these Kingdoms, finds by it that they have only enabled him to borrow 200000 l. upon a Bond given him for other uses; His Majesty desires therefore this House should know, and he hopes they will always believe of him, that not only that Bond, but any other within his Power shall be engaged to the utmost of his Power for the Preservation of his Kingdom; but as his Majesties condition is (which his Majesty doubts not but is well known to this House as himself) he must tell them plainly, that without the Sum of Six hundred thousand pounds, or Credit for such a Sum, upon new Bonds, it will not be possible for him to speak or act those things which should answer the ends of their several Addresses, without exposing the Kingdom to much Greater danger. His Majesty doth further acquaint you, that having done his part, and laid the true State of things before you, he will not be wanting to use the best means for the safety of his People, which his present is capable of.

Given at our Court at White hall, April 16. 1677.

Thereupon the House fell into present Consideration of an Answer, and in the first place, it was agreed to return great thanks to his Majesty for his Zeal for the safety of the Kingdom and the hopes he had given them that he was convinced and satisfied, so as he would speak and according to what they had desired, and they resolved to give him the utmost assistance, that they would stand by him; and said no Man could be unwilling to give a fourth or third part to save the residue. But they said they ought to consider that now they were a very thin House, many of their Members being gone home, and that upon such a Ground as they could not well blame them; for it was upon a presumption that the Parliament should rise before Easter as had been intimated from his Majesty within this fortnight, and universally expected since, and it would be un-Parliamentary, and very ill taken by their Fellow-members, if in this their Absence they should steal the Priviledge of granting Money, and the Thanks which are given for it; that this was a National Business if ever any were, and therefore fit to be handled in a full National Representative, and if it had hitherto seemed to go up hill, there was a greater cause to put the whole shoulder to it, and this would be assuring, animating, and satisfactory to the whole Nation. But they said it was not their mind to give or suffer any delay, they would desire a Recess but for three Weeks or a month at most.

And the 200000 l. which they had provided for present use, was as much as could be laid out in the mean time, tho' his Majesty had 600000 l. more ready told upon the Table.

And therefore they thought it most reasonable and advisable, that his Majesty should suffer them to Adjourn for such a time, in the Interim of which his Majesty might, if he pleased, make use of the 200000 l. and might also compleat the desired Alliances, and give notice by Proclamation to all Members to attend at the time appointed.

The Answer is as followeth.

May it please your Majesty,

WE your Majesties most Loyal Subjects, the Commons in this present Parliament Assembled, having considered your Majesties last Message, and the gracious Expressions therein contained, for employing your Majesties whole Revenue at any time to raise money for the Preservation of your Majesties Kingdoms;

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find great cause to return our most Humble Thanks to your Majesty for the same, and to desire Your Majesty to rest assured, that you shall find as much Duty and Affection in us, as can be expected from a most Loyal People, to their most Gracious Sovereign, And whereas Your Majesty is pleased to signify to us, that the sum of 200000 l. is not sufficient without a further Supply, to enable Your Majesty to Speak or Act those things which are desired by Your People; We humbly take leave to acquaint Your Majesty, that many of our Members (being upon an expectation of an Adjournment before Easter) are gone into their several Countries, we cannot think it Parliamentary in their Absence, to take upon us the Granting of Money, but do therefore desire Your Majesty to be pleased that this House may Adjourn itself for such a short time, before the sum of 200000 l. can be expended, as Your Majesty shall think fit, and by Your Royal Proclamation to command the Attendance of all our Members at the day of Meeting. By which time we hope Your Majesty may have so formed Your Affairs and fixed Your Alliances, in pursuance of our former Addresses, that Your Majesty may be Graciously pleased to impart them to us in Parliament; and we no ways doubt but at our next Assembling, Your Majesty will not only meet with a Compliance in the supply Your Majesty Desires, but withal, such farther Assistance as the posture of Your Majesties Affairs should require. In Confidence whereof, we hope Your Majesty will be encouraged in the mean time to Speak and Act such things as Your Majesty shall judge necessary for attaining those great Ends, as we have formerly represented to Your Majesty.

And now the Money Bill being Passed both Houses, and the French having by the surrender of Cambray also to them, perfected the Conquest of this Campagne, as was projected, and the Money for further preparations having been asked, only to gain a pretence for refusing their Addresses, the Houses were Adjourned April the 16. till the 21st of May next. And the rather, because at the same moment of their rising, a Grand French Ambassador was coming over. For all things between France and England moved with that punctual Regularity, that it was like the Harmony of the Spheres, so consonant with themselves, although we cannot hear the Musick.

There landed immediately after the Recess, the Duke of Creque, the Arch-Bishop of Rheims, Monsieur Barrillon, and a Train of three or four hundred Persons of all Qualities, so that the Lords Spiritual and Temporal of France, with so many of their Commons meeting the King at Newmarket, it looked like another Parliament. And that the English had been Adjourned in order to their better Reception; But what Address they made to His Majesty, or what Acts they Passed, hath not yet been Published. But those that have been in discourse were.

An Act for continuing His Majesties Subjects in the Service of France.

An Act of Abolition of all Claims and Demands from the Subjects of France, an Account of all Prizes made of the English at Sea, since the year 1674 till that day, and for the future.

An Act for Marrying the Children of the Royal Family to Protestant Princes.

An Act for a further Supply of French Money.

But because it appears not, that all these, and many others of more secret Nature, passed the Royal Assent, it sufficeth thus far to have mentioned them. Only it is most certain, that although the English Parliament was kept aloof from the business of War, Peace, and Alliance, as improper for their intermeddling, and Presumptions; yet with these three Estates of France all these things were Negotiated and transacted in the greatest confidence. And so they were Adjourned from Newmarket to London; and there continued till the return of the English Parliament, when they were dismissed home with all the Signs and Demonstrations of mutual Satisfaction.

And for better Preparations at home, before the Parliament met, there was Printed a Second Packet of Advice to the Men of Shaftsbury. The First had been sold up and down the Nation, and transmitted to Scotland, where 300 of them were Printed at Edinburgh: and 40 Copies sent from thence to England fairly bound up and Gilded, to shew in what great Estimation it was in that Kingdom; but this, the Sale growing heavy, was dispersed as a Donative all over England, and it was an Incivility to have enquired from whence they had it; but it was a Book, though it came from Hell, that seemed as if it dropped from Heaven among Men. Some imagined by the weight and the wit of it, that it proceeded from the two Lords, the Black and the White, who when their care of their late Sitting was over, had given themselves Carier; and after the Triumphs of the Tongue, had established those Trophies of the Pen, over their imprisoned Adversaries. but that had been a thing unworthy of the Frenchwellian Generosity, or Terrisfin Magnanimity; and rather besits the mean Malice of the same Vulgar Scribler, hired by the Conspirators at so much a Sheet, or for Day-wages; and when that is spent, he shall for less Money Blaspheme his God, revile

His Prince, and belie his Country, if his former Books have omitted any thing of those Arguments; and shall curse his own Father into the Bargain.

Monday, May 21. 1677.

The Parliament met according to their late Adjournment, on, and from April 16. to May 21. 1677.

There was no Speech from the King to the Parliament; but in the House of Commons.

This Meeting was opened with a Verbal Message from His Majesty, delivered by Secretary Coventry, wherein His Majesty acquainted the House, that having according to their desire in their Answer to His late Message April 16. directed their Adjournment to this time: because they did alledge it to be Unparliamentary to Grant Supplies when the House was so thin, in expectation of a speedy Adjournment; and having also issued out His Proclamation of Summons, to the end there might be a full House, he did now expect they would forthwith enter upon the consideration of his last Message, and the rather, because he did intend there should be a Recess very quickly.

Upon this it was moved, That the King's last Message (of April 16.) and the Answer thereunto should be read, and they were read accordingly.

Thereupon, after a long silence, a Discourse began about their expectation, and necessity of Alliances.

And particularly, it was intimated that an Alliance with *Holland* was most expedient; for that we should deceive our selves if we thought we could be defended otherwise, we alone could not withstand the *French*, his Purse and Power was too great. Nor could the *Dutch* withstand him. But both together might.

The general Discourse was, That they came with an expectation to have Alliances declared, and if they were not made so as to be imparted, they were not called or come to that purpose they desired, and hoped to meet upon, and if some few days might ripen them, they would be content to Adjourn for the mean time.

The Secretary and others said, These Alliances were things of great weight and difficulty, and the time had been short, but if they were finish'd, yet it was not convenient to publish them, till the King was in a readiness and posture to prosecute and maintain them, till when His Majesty could not so much as speak out, insisting on his words, *That without 600000 l. it would not be possible for him to speak or do those things which should answer the ends of their several Addresses, without exposing the Kingdom to much greater dangers.*

By others it was observed and said, That they met now upon a publick notice by Proclamation, which Proclamation was in pursuance of their last Address, in which Address they desire the King they may Adjourn for such time, as within which (they hoped) Alliances might be fixed, so as to be imparted. They mentioned not any particular day, if His Majesty had not thought this time long enough for the purpose, he might have appointed the Adjournment for a longer time; or he might have given notice by Proclamation, that upon this account they should Re-adjourn to a yet longer time.

But surely, the time hath been sufficient, especially considering the readiness of the Parties to be Allied with; It is five weeks since our Recess. He that was a Minister chiefly employed in making the *Triple League*, has since published in Print, That the League was made in five days, and yet that might well be thought a matter more tedious and long than this; for when People are in profound Peace (as the *Dutch* then were) it was not easie to embark them presently into Leagues. They had time and might take it for greater deliberation, but here the People are in the distress of War, and need our Alliance, and therefore it might be contracted with ease and expedition, were we as forward as they.

Neither is five weeks the limit of the time, that has been for this purpose, for it is about ten weeks since we first Addressed for these Alliances.

And as to the Objection, that it was not fit to make them known before preparation were made. They said, the force of that lay in this, that the *French* would be alarmed. But they answered, that the asking and giving money for this purpose would be no less an Alarm. For the *French* could not be ignorant of what Addresses and Answers have passed; and if money be granted to make Warlike preparations, for the end therein specified, it is rather a greater discovery and denouncing of what we intended against the *French*.

Grotius (de Jure Belli & Pacis) says, If a Prince make extraordinary preparations, a neighbor Prince who may be affected by them may expostulate, and demand an account of the purpose for which they are intended, and if he receive not satisfaction, that they are not to be used against him, it is a cause of War on his part, so as that neighbor may begin if he think fit, and is not bound to stay till the first preparer first begin actual Hostility, and this is agreeable to Reason, and the nature of Government.

Now the *French* King is a vigilant Prince, and has wise Ministers about him, upon which general account (though we had not as we have seen an extraordinary *French* Embassy here during our Recess) we should suppose that the *French* King has demanded an account of our

King's

King's purpose, and whether the extraordinary preparations that are begun, and to be made, are designed against him or not. In which case His Majesty could give but One of Three Answers.

1. To say, They are not designed against him, and then His Majesty may acquaint us with the same, and then there is no occasion of our giving Money.

2. To say, They are designed against him, in which case His Majesty may very well impart the same to us. For it were in vain to conceal it from us, to the end that the French might not be alarm'd, when it is before expressly told the French, that the design was against him.

3. To give a doubtful Answer. But that resolves into the Second. For when a Prince out of an apprehension that extraordinary preparations may be used against him, desires a clear, categorical and satisfactory Answer concerning the matter (as the manner of Princes is.) A dubious Answer does not at all satisfy his Inquiry, nor allay his Jealousie; but in that case it is, and is used, to be taken and understood, that the Forces are designed against him.

And if His Majesty have given no Answer at all (which is not probable) it is the same with the last.

So that this being so, by one means or other the French have the knowledge of the King's purpose, and if it be known to, or but guessed at by them, Why is it concealed from His Parliament? Why this darkness towards us?

Besides, we expect not so much good as we would, so long as we are afraid the French should know what we are a doing.

In this state of Uncertainty, and Unripeness, the House Adjourned to Wednesday Morning Nine a clock, having at first ordered the Committee for the Bill for recalling His Majesties Subjects out of the service of the French King, to Sit this Afternoon, which did Sit accordingly, and went through the Bill.

Wednesday, May 23. 1677.

His Majesty sent a Message for the House to attend him presently at the Banqueting House in Whitehall, where he made the following Speech to them.

Gentlemen.

I Have sent for you hither that I might prevent those Mistakes and Distrusts which I find some are ready to make, as if I had called you together only to get Money from you, for other uses than you would have it employ'd. I do assure you on the Word of a King, that you shall not repent any Trust you repose in me, for the safety of my Kingdoms; and I desire you to believe I would not break my Credit with you; but as I have already told you, that it will not be possible for me to speak or act those things which should answer the ends of your several Addresses, without exposing my Kingdoms to much greater dangers, so I Declare to you again, I will neither hazard my own Safety, nor yours, until I be in a better condition than I am able to put my self, both to defend my Subjects, and offend my Enemies.

I do further assure you, I have not lost one day since your last meeting, in doing all I could for your Defence; and I tell you plainly, it shall be your fault and not mine, if your Security be not sufficiently provided for.

The Commons returning to their House, and the Speech being their read, they presently resolved to consider it, and after a little while resolved into a Committee of the whole House, for the more full, free, and regular Debate.

The Secretary and others propounded the supplying the King, wherein they said they did not press the House, but they might do as they pleased. But if it be expected that Alliances be made, and made known, there must be 600000 l. raised to make preparation before, for the King had declared that without it, it could not be possible for him to speak or act; he could not safely move a step further. The King had the right of making Peace, War, and Leagues, as this House has of giving Money, he could not have Money without them, nor they Alliance without him. The King had considered this matter, and this was his Judgment, that he ought by such a sum to be put into a posture to maintain and prosecute his Alliance, before they could or should be declared, and truly otherwise our nakedness and weakness would be exposed.

'Tis true as has been objected, The asking and giving Money for this purpose, would alarm as much as the declaring Alliance, but then it would defend too. A Whip will alarm a wild Beast, but it will not defend the Man; A Sword will alarm the Beast too, but then it will also defend the Man.

We know the King would strip himself to his Shirt, rather than hazard the Nation. He has done much already, he has set out, and made ready to set out 44 Ships, but they must be distributed to several places for Convoys, &c. There would need it may be 40 more in a

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body. And it is difficult to get Seamen, many are gone into the Service of the *French, Dutch, &c.* The King is said to Press now.

The King has not had any fruit of the 200000 *l.* credit provided him upon the Three years Excise, he has tryed the City to borrow Money of them thereupon, and my Lord Mayor returned Answer, *That he had endeavoured, but could not encourage His Majesty to depend upon the City for it.*

Several others somewhat different, spake to this effect, We should consider in this case, as in the case of the King's Letters Patents, Proclamations, &c. If any thing in them be against Law and Reason, Lawyers and Courts judge it void, and reckon it not to be said or done by the King, *For the King can do no wrong*, tho' His Council may. So we must look upon the King's Speeches and Mellages as the product of Counsel, and therefore if any mistake be therein, it must be imputed to the error of his Counsel, and it must be taken that the King never said it. Now to apply certainly the treating and concluding of Alliances, requires not a previous sum of Money, however the King's Counsel may mis-inform. They may be propounded and accepted, by the means of the Foreign Ministers, even without an Embassie to be sent hence; and yet if that were requisite, it were an extraordinary Charge.

Alliances may be made forthwith, and then Money would be granted forthwith; if they were declared to day, the 600000 *l.* should be given to Morrow, and as occasion should require.

And there is no fear but Money would be found for this purpose, our own Extravagancies would maintain a War.

The Money which has been provided the King already this Session, is sufficient for all preparations that can possibly be made before these Alliances may be made.

Forty Ships of ours, with the help of the *Dutch*, are a good defence against the *French* at Sea, now, he is so intangled with *Sicily*, the *West-Indies*, &c. In the *Triple League*, it was stipulated, that Forty of our Ships, and Forty of the *Dutch* should be provided, and they were thought sufficient for the purpose.

If it were required that Forty more Ships should be sent out, 600000 *l.* is enough to maintain and pay a whole year clear for the Carpenters work, and such like as should presently be required, for the fitting them to go out a little Money will serve.

And surely this is the only preparation that can be meant, for if it should be meant, that we should fortifie the Land with Forts, Garisons, Walled Towns, &c. it is not Six Millions will do it. But our Strength, Force and Defence is our Ships. For the debate of this day it is as great and weighty as ever was any in *England*, it concerns our very being, and includes our Religion, Liberty and Property; *The Door towards France must be shut and guarded, for so long as it is open, our Treasure and Trade will creep out, and their Religion creep in as it, and this time is our season, some mischief will be done us, and so there will at any time when the War is begun, but now the least.*

The *French* is not very dangerous to us, nor to be much feared by us at this present, but we ought to advise and act so now, as we may not fear or despair hereafter, when the *French* shall make peace beyond Sea, and likely he will make Alliances with those People with whom we defer to make them; how ripe and great is our Misery then?

The Power and Policy of the *French* is extraordinary, and his Money influences round about him.

We are glad to observe upon what is said by and of the King, that His Majesty agrees with us in the end, and we hope he will be convinced of the reasonableness of the means, which is to make and follow these Alliances, without which plainly we can give no account to our selves, or those we represent, of giving Money.

We have made several *Addresses* about some of the King's Ministers, their management, &c. Of which we have seen little fruit. There have continually almost to this hour gone out of *England* succors to *France*, of Men, Powder, Ammunition, Ordnance, &c. Not to rake into the matter, how far the Ministers have been *Active* or *Passive* in this, not to mention any other particulars, we must say, That unless the Ministers or their Minds are altered, we have no reason to trust Money in their hands, though we declare we have no purpose to arraign or attempt upon them, but would rather propose to them an easy way how they might have Oblivion, pay, and the thanks of the people, *viz.* That they should endeavour and contend, who could do most to dispose the King to comply with this Advice of his Parliament.

We think the prosecuting these Alliances, the only good use for which our Money can be employed, and therefore before we give, we should be secure it should be applied to this purpose, and not by mis-counsels be diverted to others.

This is the mature Counsel of the Parliament, and no Cross, or other Counsel is to be Received or Trusted, for attaining these great Advices which the King and Parliament are agreed on.

To part with Money before Alliances are made, is needless and to no purpose; at best it would be the way to spend that Money before-hand in vain, which he shall need hereafter, when we shall be forced to enter into this defence against *France*.

It would be like an Error committed in the late King's time, and which looks as if men had given Counsel on purpose to destroy that good King. He had by the care and faithfulness of Bishop *Juxton* and others, collected and preserved a good sum of Money before the *Scottish* Rebellion, in *One thousand six hundred thirty nine*, upon that Rebellion he was advised to raise an Army at Land, which indeed was necessary; but he was likewise advised to set out several of his great Rate Ships. This appeared in the Papers of Sir *Robert Long's* Office, and may there be seen still, if the Papers are not scattered. A man cannot tell to what end this Advice was given, unless to spend the King's Money; for the Admiralty of *Scotland* is not now, and much then was so considerable, as to require any such Force against it. And if the Design were to hinder their Commerce and Succours by Sea, the Charge of one of those great Ships might have been divided and applied to the Setting out five or six less Ships, each of which was capable of doing as much for that Service, as such a great one, and could keep out at Sea longer.

It is a plain case, unless the Power of *France* be lower'd, we cannot be safe; without Conjunction with other Confederates, it cannot be done. The question is, whether the present be the proper time for the Work. Certainly it is, there is a happy Confederation against the *French*, which we cannot so well hope to have continued without our coming into it; much less can we hope to recover or recruit it, if once broken. The very Season of the Year favours the Business. It is proper and safe to begin with the *French* in the Summer, now he is engaged and not at leisure, whereas in Winter, when the Armies are drawn out of the Field, he will be able to apply himself to us.

As to the Citizens not advancing Money upon the late Credit, we are informed they were never regularly or effectually asked: My Lord Mayor indeed was spoken to, and perhaps some of the Aldermen, but all they are not the City; he sent about curiously to some of the Citizens, to know if they would lend, of which they took little or no Notice, it being not agreeable to their Way and Usage; for the Custom in such Cases has always been, that some Lord of the Council did go down to the Common Council, which is the Representative Body of the City, and there propound the Matter.

Besides, in this particular Case the Citizens generally asked the same Question we do: Are the Alliances made? and said, If they were made, they would lend Money; but if not, they saw no Cause for it.

Philip the Second of *Spain* made an Observation in his Will, or some last Memorial, and 'tis since published in Print by Monsieur. He observes the Vanity of any Princes aspiring at the universal Monarchy, for that it naturally made the rest of the World jointly his Enemies; but Ambition blinds Men, suffers them not to look back on such Experiences. But this Observation shews what is natural to do in such a Case, and that the way to repel and break such a Design, is by their universal Confederation.

Philip the Second was most capable of making this Observation, for in his Hands Perished the *Spanish* Design of the Universal Monarchy, and that chiefly by reason of the Conjunction of the *English* and *Dutch* against him.

In the Process of this Debate, Gentlemen did more particularly explain themselves, and propound to address their Design to the King, for a League Offensive and Defensive with the *Dutch* against the *French* Power.

Against which a specious Objection was made; That the *Dutch* was already treating with the *French*, and 'twas like they would slip Collar, make a separate Peace for themselves, and leave us engaged in a War with *France*.

To which was answered, That there was no just fear of that, the *Dutch* were interested in repressing the Power of *France* as well as we, and they knew their Interest. It was reasonable for them to say, If *England*, which is as much concerned in this Danger, will not assist us, we will make the best Terms we can for our selves; there is yet a Seam of Land between the *French* and us, we may Trade by, or under them, &c.

But if *England* will joyn with the *Dutch*, they cannot find one Syllable of reason to desert the Common Cause.

They have observed a Propensity in the People of *England* to help them, but not in the Court of *England*. If they can find that the Court does heartily joyn, it will above all things oblige and confirm them.

In *One thousand six hundred sixty seven*, when the *Dutch* were in Peace and Plenty, when *Flanders* was a greater Bulwark to them; for the *French* had not pierced so far into it, and when the Direction of their Affairs was in a hand of an inveterate enemy to the Crown of *England* (*John de Witt*;) yet then their Interest did so far govern him and them, as to enter into the *Triple League*, against the Growth and Power of *France*, and keep it more; and most certainly therefore now they are exhausted and weakened by a War, and stand in need of our Help, now the *French* have approached nearer the Brink of their Country, and are increased in Naval Force, to the danger of their Trade and Navigation; and now their Affairs are chiefly directed by a Kinsman of the Crown of *England*, the Prince of *Orange*, they cannot desert or start from a League they make with us against our Common Enemy.

The Growth of Popery.

It was moved, that there might be a League Offensive and Defensive with Spain and the Dutch, and other convenient Alliances with the rest of the Confederates; but the particular, concerning Spain, was retracted and laid aside by the general Discourse of the Members to this purpose, *We do covet an Alliance with Spain above others, for that they are Owners of the Netherlands, for whose Preservation we have Addressed, that it is with Spain that we have the most, if not the only profitable Trade, and the Spaniards are good, gallant and sure Friends. But they are remote, and we know not whether there are full Powers here or at Brussels, for this Matter, and to wait for their coming from Madrid, would make Church-work; whereas we need the swiftest Expedition.*

Therefore they voted their Address to be particular, and expressly for such a League with the Dutch, and as to the Spaniards, together with the other Confederates in general.

This passed with very general Consent, there was an extraordinary full House, and upon putting the Question, there were but two negative Voices to it.

There were more than ordinary Particulars appointed to be in the Address, but no Contest or Debate about them.

The Vote was as followeth.

Resolved,

That an Address be made to the King, that his Majesty would be pleased to enter into a League Offensive and Defensive with the States General of the United Provinces, and to make such an Alliance with others of the Confederates, as his Majesty shall think fit against the Growth and Power of the French King, and for the Preservation of the Spanish Netherlands; and that a Committee be appointed to draw up the Address, with Reasons why this House cannot comply with his Majesty's Speech, until such Alliances be entered into; and further shewing the Necessity of the speedy making such Alliances; and when such Alliances are made, giving his Majesty assurance of speedy and chearful Supplies, from time to time, for supporting and maintaining such Alliances.

To which (the Speaker re-assuming the Chair, and this being reported) the House agreed and appointed a Committee.

And Adjourned over Ascension-Day till Friday.

In the Interim, the Committee appointed, met and drew the Address according to the above-mentioned Order, a true Coppy of which is here annexed.

May it please Your most Excellent Majesty,

YOUR Majesty's most Loyal and Dutiful Subjects, the Commons in Parliament assembled, have taken into their serious Consideration, your Majesties gracious Speech, and we do beseech your Majesty, to believe it is a great Affliction to them, to find themselves obliged (at present) to declare the granting your Majesty the Supply your Majesty is pleased to demand, conceiving it is not agreeable to the Usage of Parliament, to grant Supplies for maintenance of Wars and Alliances, before they are signified in Parliament (which the two Wars against the States of the United Provinces, since your Majesties happy Restoration, and the League made in January 1668. for Preservation of the Spanish Netherlands, sufficiently proved, without troubling your Majesty with Instances of greater Antiquity) from which Usage, if we might depart, the Precedent might be of dangerous Consequence in future Times, though your Majesties Goodness gives us great Security during your Majesties Reign, which we beseech God long to continue.

This Consideration prompted us in our last Address to your Majesty, before our last Recess, humbly to mention to your Majesty, our Hopes, that before our Meeting again, your Majesties Alliances might be so fixed, as that your Majesty might be graciously pleased to impart them to us in Parliament, that so our earnest Desires of Supplying your Majesty, for Prosecuting those great Ends, we had humbly laid before your Majesty, might meet with no Impediment or Obstruction; being highly sensible of the Necessity of Supporting, as well as making the Alliances, humbly desired in our former Addresses, and which we still conceive so important to the Safety of your Majesty and your Kingdoms, That we cannot (without Unfaithfulness to your Majesty and those we represent) omit upon all Occasions, humbly to beseech your Majesty, as we do now; To enter into a League, Offensive and Defensive, with the States General of the United Provinces, against the Growth and Power of the French King, and for the Preserva-

Preservation of the Spanish Netherlands, and to make such other Alliances, with other such of the Confederates, as your Majesty shall think fit and useful to that end; in doing which (that no time may be lost) we humbly offer to his Majesty, these Reasons for the expediting of it.

1. That if the Entering into such Alliances should draw on a War with the French King, it would be least detrimental to your Majesties Subjects at this time of the year, they having now fewest Effects, within the Dominion of that King.

2. That though we have great reason to believe the Power of the French King to be dangerous to your Majesty and your Kingdoms, when he shall be at more leisure to molest us; yet we conceive the many Enemies he has to deal with at present, together with the Situation of your Majesties Kingdoms, the Unanimity of the People in the Cause, the Care your Majesty hath been pleased to take of your Ordinary Guards of the Sea, together with the Credit provided by the late Act for an Additional Excise for three years, make the Entering into, and declaring Alliances very safe, until we may in a regular way give your Majesty such further Supplies, as may enable your Majesty to support your Alliances, and defend your Kingdoms.

And because of the great Danger and Charge which must necessarily fall upon your Majesties Kingdoms, if through want of that timely Encouragement and Assistance, which your Majesties joining with the States General of the United Provinces, and other the Confederates would give them, The said States, or any other considerable part of the Confederates, should this next Winter, or sooner, make a Peace or Truce with the French King (the Prevention whereof must hitherto be acknowledged a singular Effect of God's Goodness to us) which if it should happen, your Majesty would be afterwards necessitated with fewer, perhaps with no Alliances or Assistance to withstand the Power of the French King, which hath so long, and so successfully contended with so many, and so potent Adversaries; and whilst he continues his overbalancing Greatness, must always be dangerous to his Neighbours, since he would be able to oppose any one Confederate, before the rest could get together, and be in so good a Posture of offending him as they now are, being jointly engaged in a War. And if he should be so successful as to make a Peace, or disunite the present Confederation against him, it is much to be feared, whether it would be possible ever to re-unite it, at least it would be a Work of so much time and difficulty, as would leave your Majesties Kingdoms exposed to much Misery and Danger.

Having thus discharged our Duty, in laying before your Majesty the Dangers threatening your Majesty and your Kingdoms, and the only Remedies we can think of, for the preventing, securing and quieting the Minds of your Majesties People, with some few of those Reasons which have moved us to this, and our former Addresses, on these Subjects; We most humbly beseech your Majesty, to take the Matter to your serious Consideration, and to take such resolutions, as may not leave it in the Power of any Neighbouring Prince, to rob your People of that Happiness which they enjoy, under your Majesties gracious Government; beseeching your Majesty to rest confident and assured, that when your Majesty shall be pleased to declare such Alliances in Parliament, We shall hold ourselves obliged, not only by our Promises and Assurances given, and now with great Unanimity revived in a full House; but by the Zeal and Desires of those whom we represent, and by the Interests of all our Safeties, most cheerfully to give your Majesty from time to time such speedy Supplies and Assistances, as may fully and plentifully answer the Occasions, and by God's Blessing preserve your Majesties Honour, and the Safety of the People.

All which is most humbly submitted to your Majesties great Wisdom.

Friday, May 25th. 1677.

Sir John Trevor Reported from the said Committee the Address, as 'twas drawn by them, which was read.

Whereupon it was moved to agree with the Committee; but before it was agreed to, there was a Debate, and Division of the House.

It was observed and objected, That there was but one Reason given herein for declining the granting Money, and that is the Unpresidentness, and as to one of the Instances to this purpose

purpose mentioned, viz. The King's first Dutch War, it was said to be mistaken, for that the 200000 l. was voted before the War declared.

But it was answered, that if the Declaration was not before the Grant of the Money, (which *Quere*) yet 'twas certain that the War it self, and great Hostilities were before the Money; and some said there might be other Reasons assigned against giving Money before the Alliances; but they rather desired to spare them, only in general said, 'Twas not reasonable to grant Money before there was a Change (they would not say of Counsellors, but of Counsell) and an hearty Undertaking these Alliances would be the best Demonstration of that Change. For the Swerving from this Interest and Part, was the Step by which we went a-rry, and the returning thereto would restore us to our right Place and Way.

And a Gentleman produced and read the King's Speech, made Monday the 10th. of February, 1667, wherein he spake chiefly of the League, which afterwards, when the Swede came into it, was called the Triple League.

My Lords and Gentlemen,

I Am glad to see you here again; to tell you what I have done in this Interval, which I am confident you will be pleased with, since it is so much to the Honour and Security of the Nation. I have made a League Offensive and Defensive with the States of the United Provinces, and likewise a League for an Efficacious Mediation of Peace between the two Crowns, into which League that of Sweden, by its Ambassador hath offered to enter as a Principal. I did not at Our last Meeting move you for any Aid, though I lie under great Debts contracted by the last War; but now the Posture of Our Neighbours abroad, and the Consequence of this new Alliance will oblige Me for Our Security to set out a considerable Fleet to Sea this Summer: and besides, I must build more great Ships, and 'tis as necessary that I do something in order to the fortifying some of Our Ports. I have begun My Self in order to these Ends, but if I have not your speedy Assistance, I shall not be able to go through with it; wherefore I do earnestly desire you to take it into your speedy Consideration, &c.

Which shews the proper Course and Practice, That Kings first communicate their Alliances made, before they demand Supplies upon the Account of them.

So the Exception was let fall.

But the grand Objection managed against it, was upon the main Point of the Address, wherein they desired his Majesty to make a League Offensive and Defensive with the Dutch, and such other Alliances with the rest as he should think fit.

Those who are against this Particular (or particularizing) in the Address, spoke to this effect.

This is an Invasion upon his Majesties Prerogative of making Peace, War and Leagues, and it is the worse for the Distinction that is used, in respect of the Dutch and the rest: by which you give him express Directions as to the Dutch, and referring to his Discretion as to the others, it looks and gives an Umbrage, as if what he was to do, was by our Leave.

The ancient Land-mark, the Boundaries between King and People must not be removed; This Power is one of the few things reserved entirely to the Crown. Parliaments are summoned to treat de Arduis; but *He, de quibusdam Arduis*, this is, unprecedented.

The Marriages of the Royal Family is such a peculiar thing reserved to the King, and the Matter of the Lady Arrabella is an Instance. Queen Elizabeth resented it high, that the Parliament should propound her Marrying; and she said, That however it is well they did not name the Person; if they had named the Person, it had been intolerable: now here you name the Person whom you would have the King Ally.

If you may go so far, you may come to draw a Treaty, and propose to the King to sign it. By this you would put a great Indecorum upon the King; he is now concerned as a Mediator at Nimmeguen, and it would be an indecent thing for him at the same time to declare himself a Party. It is believed the House of Austria (though they sent full Powers to Nimmeguen, for the Purpose, yet) never intended to conclude a Peace.

Peace. But it was an absurd thing for them to Declare so in Publick; there must be Publick Decorum.

This is the way for the King to have the worse bargain with the Confederates; for they observing how he is importuned, and as it were, driven to make these Alliances, will slacken and lessen those advantageous Offers, which otherwise they would be forced to make,

And again, and again, they said His Majesty did agree with this House in the End, and they did not doubt but he would prosecute it by the same means as was desired. But His Prerogative was not to be incroach'd upon. This manner of proceeding would never obtain with the King; nay, it would make the Address miscarry with the King.

On the other side several spoke to this effect:

We ought to consider we are upon the Question of agreeing an Address drawn by our Committee, by our Order.

If they have not in matter and manner corresponded with our direction or intention, we have cause to disagree. But here the Exception taken, and Cause pressed, why we should not agree with them, is, because they have observed the very words and substance of our Order, which exactly justifieth this Draught.

This passed on Wednesday, upon a full Debate, in a very full House, two only contradicting, but not one speaking, or thinking the King's Prerogative was touch'd; and therefore it's strange it should be made the great Objection and Question of this day.

But the Prerogative is not at all intrench'd upon; We do not, nor do pretend to Treat or make Alliances, we only offer our Advice about them, and leave it with the King, he may do as he pleaseth, either make or not make them. It is no more than other persons may do to the King; for doubtless the Privy-Council may Advise him in this particular, and why not His Great Council? This rate of Discourse would make the King's Prerogative consist meerly in not being Advised by his Parliament (of all People.)

There are manifold Precedents of such Advices: Leagues have been made by Advice of Parliament, and have been ratified in Parliament: In Edw. 3. Rich. 2. and especially in Henry the Fifth's time, and particularly with Sigismond the Emperor and King of the Romans; and Henry the Fifth was a magnanimous Prince, and not to be imposed upon.

18 Jac. The Parliament advis'd the King about making and managing a War, Rushw. Coll. 41, 42, 45, 46. And we may well remember our own Advising the first Dutch War, and making Leagues is less than War.

But if there were no Precedent in this particular Case, it was no Objection; for matter of Advice is not to be circumscribed by Precedent. If there be a new Case that a Prince should joyn in a War, together with another Prince, when that Prince was too Potent before, and that when this was discerned, and a Peace made, yet Succours should continually go out of the first Prince's Dominions to the Service of the other Prince (and that notwithstanding several Addresses and Advices to the contrary.)

'Tis true (as Objected) that the Commons have sometimes declined advising in the matter of War, &c. propos'd to them. But that shews not their want of Right to meddle therewith, but rather the contrary. The very Truth is, it has been the Desire and Endeavour of Kings in all Ages, to engage their Parliaments in Advising War, &c. That so they might be oblig'd to Supply the King to the utmost for and through it; but they out of a Prudent Caution have sometimes wav'd the matter, lest they should engage further or deeper than they were aware or willing.

Since His Majesty is Treating as Mediator at Nimeguen, about the general Peace, it is a great Reason why he should specify the Alliances desired as we have done, that we might make it known; we are far from desiring such Alliances as might be made by and with a general Peace: but on the contrary coveting such as might prevent and secure us against that dangerous and formidable Peace.

Doubtless the Conf. aires will offer Honourable and Worthy Terms; Their necessity is too great to voggle or take advantages. Nor will they think this League the less worth because we advise it, but rather value it the more, because it is done unanimously by the King, with the Advice and Applause of his People in Parliament.

We cannot suppose that our proceeding thus to His Majesty will prejudice our Address, or endanger its miscarriage, since it is for His Majesties advantage, in that it obliges us to supply him to all degrees through this Affair; and the more particular it is, the more still for the King's advantage; for if it had been more general, and the King thereupon had made Alliances, whatever they were Men, might have thought and said they were not the Alliances intended, and it might be used as an Excuse or Reason for their not giving Money to supply His Majesty hereafter; but this as it is now, doth most expressly, strictly, and particularly bind us up.

We reflect that a great deal of time (and precious time) has been spent since and in our Address on this Subject, and finding no effectual Fruit, especially of our last Address, as we have cause to apprehend we are not clearly understood in what we mean. Now it is the ordinary way of pursuing Discourse in such case, and it is proper and natural for us to speak (out) more explicitly and particularly, and tell His Majesty, That what we have meant is a League Offensive and Defensive: and to persuade us again to Address on, in more general Terms, as before, is to persuade us, that as we have done nothing this Ten Weeks, so we should do nothing still.

And since His Majesty in His late Message and last Speech, has been pleased to demand 600000 l. for answering the purpose of our Addresses, and assures us that the Money shall not be employed to other Uses than we would have it employed, it is most seasonable for us to declare plainly the Use and Purpose we intend, that so it may be concerted and clearly understood at all hands; and therefore it is well done to mention to His Majesty these express Alliances, we thinking no other Alliances worth the said Sum; and we, withal Promising and Undertaking, that His Majesty shall have this and more for these Ends.

Nor have we any cause to apprehend, that His Majesty shall take amiss our advising Leagues in this manner: We have presented more than one Address for Alliances against the Growth and Power of the French King, and His Majesty has received, admitted, and answered them without any exception; and if we may Address for Alliances against a particular Prince or State, why not for Alliances with a particular Prince or State? It cannot be less regular or Parliamentary, than the former.

And moreover, (though we know that punctual Precedents are on our sides, besides our Commissions by our Writs, to Treat de arduis & argentibus Regem, Statum, & Defensionem Regni, & Ecclesiæ Anglicanæ concernentibus. And besides the King's general Intimations (in his Printed Speech, yet) if it be said to be a decent and proper thing to have His Majesties Leave and Consent before we proceed on such a matter, in such a manner, as we now do, we say, That that in effect is, with us too; for consider all our former Addresses, and His Majesties Answers, and Messages thereupon, and it will appear that His Majesty has engaged and encouraged us too upon this Subject; and that which he expects and would have, is not to limit or check our Advice, but to open and enlarge our Gift; His Majesty appears Content to be thoroughly Advised, provided he be proportionably Furnished and Enabled with Money; which we being now ready to do, we clearly and conduively present him our Advice for the application of it. To prevent those Mistakes and Distrusts, which His Majesty says he finds some are so ready to make, as if he had called us together only to get Money from us, or for other Uses than we would have it employed.

And truly the advising these Alliances, together with assuring His Majesty thereupon to Assist and Supply Him presently, and plentifully to prosecute the same, is our only way of complying and corresponding with his last Speech: For these Leagues followed and supported by these Supplies, are the only means and methods to put His Majesty in the best Condition, both to Defend His Subjects, and Offend His Enemies: and so there will be no fault in His Majesty nor Us, but His and our Security will be sufficiently provided for.

Besides,

Besides, it will be worse, it will be a very bad thing indeed not to make the Address for this particular League, now, since we have resolved it already. Our intention being to have the Dutch, &c. comforted, encouraged, and assured, we did order this on Wednesday, and there is publick Notice taken of it abroad, and beyond Sea. If we should now upon Solemn Debate set the same aside, it would beget a great Doubt, Discomfort, and Discouragement to them. It is one thing never to have ordered it; another, to retract it.

Also it was said, That this was necessary, but was not all that was necessary; for suppose (which was not credible) that France should be prevailed with to deliver up all Lorrain, Flanders, Alsatia, and other Conquered Places: Are we safe? No, he has too many Hands, too much Money, and this Money is in great measure (a Million Sterling yearly at least) supplied him from hence. We must depress him by force as far as may be, but further, we must have Leagues and Laws to impoverish him, We must destroy the French Trade. This would quiet and secure us, this would make our Lands rise, and this would enable us to set the King at ease.

After this long Debate the House came to the Question, whether this Particular of a League Offensive and Defensive with the Dutch, should be left out of the Address? upon which Question the House divided.

Year 142. Noes 182.

So that it was carried by Forty that it should stand.

Then the main Question was put for agreeing, with their Committee, this Address: which passed in the Affirmative without Division of the House.

Then it was ordered, That those Members of the House who were of His Majesties Privy-Council, should move His Majesty to know His Pleasure, when the House might wait upon Him with their Address.

Mr. Powle Reported from the Committee, Amendments, to the Bill for the Recalling His Majesties Subjects out of the French King's Service, which were Read and Agreed to by the House, and the Bill with the Amendments ordered to be Ingrossed.

And then the House Adjourned to the Morrow.

Saturday, May 26. 1677. in the Morn.

The House being late, had notice by Secretary Coventry, That the King would Receive their Address at Three in the Afternoon.

The Bill for Recalling His Majesties Subjects, &c. being then Ingrossed, was Read the Third time and Passed; The effect of the Bill in short was this.

That all and every of the Natural Born Subjects of His Majesty, who should continue or be, after the first of August next, in the Military Service of the French King, should be disabled to inherit any Lands, Tenements or Hereditaments, and be incapable of any Gift, Grant or Legacy, or to be Executor or Administrator; and being Convicted, should be adjudged guilty of Felony, without benefit of the Clergy, and not Pardonable by His Majesty. His Heirs and Successors, except only by Act of Parliament, wherein such Offenders should be particularly named.

The like appointment for such as should continue in the Sea Service of the French King after the first of May, 1678.

This Act as to the prohibiting the Offence, and incurring the Penalties, to continue but for Two years, but the executing and proceeding upon it for Offences against the Act, might be at any time, as well after as within the Two years.

Then it was ordered that Mr. Powle should carry up this Bill to the Lords, and with all should put the Lords in mind of a Bill for The better suppressing the growth of Popery which they had sent up to their Lordships before Easter, which was forthwith done accordingly.

As soon as this was ordered, several other Bills were moved for to be Read, &c. But the Members generally said, No. They would proceed on nothing but the French and Popery. So they Adjourned to the Afternoon, when they attended the King with their Address, at the Banqueting-house in White-Hall. Which being presented, the King Answered, That it was long and of great importance, that he would consider of it, and give them an Answer as soon as he could.

The House did nothing else but Adjourn till Monday Morn.

Monday

Monday, May 28. 1677.

The House being sate, they received notice by Secretary Coventry, that the King expected them immediately at the *Banqueting-house*.

Whither being come, The King made a Speech to them on the Subject of their Address. Which Speech, to prevent mistakes, His Majesty read out of His Paper, and then delivered the same to the Speaker. And His Majesty added a few words about their *Adjournment*.

The King's Speech is as followeth,

Gentlemen,

Could I have been silent, I would rather have chosen to be so, than to call to mind things so unfit for you to meddle with, as are contained in some parts of your last Addresses, wherein you have entrenched upon so undoubted a Right of the Crown, that I am confident it will appear in no Age (when the Sword was not drawn) that the Prerogative of making Peace and War hath been so dangerously invaded.

You do not content your selves with desiring me to enter into such Leagues, as may be for the safety of the Kingdom, but you tell me what sort of Leagues they must be, and with whom; (and as your Address is worded) it is more liable to be understood to be by your Leave, than at your Request, that I should make such other Alliances, as I please with other of the Confederates.

Should I suffer this Fundamental Power of making Peace and War to be so far invaded (though but once) as to have the manner and circumstances of Leagues prescribed to Me by Parliament, it's plain that no Prince or State would any longer believe that the Sovereignty of England rests in the Crown; Nor could I think my self to signify any more to Foreign Princes, than the empty Sound of a King. Wherefore you may rest assured, that no Condition shall make me depart from, or lessen so Essential a part of the Monarchy. And I am willing to believe so well of this House of Commons, that I am confident these ill Consequences are not intended by you.

These are in short the Reasons why I can by no means approve of your Address, and yet though you have declined to Grant Me that Supply which is necessary to the Ends of it, I do again Declare to you, That as I have done all that lay in my power since your last Meeting, so I will still apply my self by all the means I can, to let the World see my Care for the Security and Satisfaction of my People, although it may not be with those Advantages to them, which by your Assurances I might have procured.

And having said this, he signified to them, that they should Adjourn till the 16th of July

Upon hearing of this Speech, the House is said to have been greatly appaled, both in that they were so severely checked in His Majesties name, from whom they had been used to receive so constant testimonies of his Royal Bounty and Affection, which they thought they had deserved, as also, because there are so many old and fresh Precedents, of the same nature, and if there had not, yet they were led into this by all the steps of necessity, in Duty to His Majesty and the Nation. And several of them offering therefore modestly to have spoken, they were interrupted continually by the Speaker, contesting that after the King's pleasure signified for *Adjournment*, there was no further liberty of speaking. And yet it is certain that at the same time in the *Lords House*, the *Adjournment* was in the usual form, and upon the Question first propounded to that House, and allowed by them, all *Adjournments* (unless made by special Commission under his Majesties Broad Seal) being, and having always been so, an Act of the Houses by their own Authority. Nevertheless, several of their Members requiring to be heard the Speaker had the confidence, without any Question put, and of his own motion to pronounce the House Adjourned till the 16th of July, and slept down in the middle of the floor, all the House being astonished at so unheard of a violation of their inherent privilege and Constitution. And that which more amazed them afterwards, was, That while none of their own Transactions or Addresses for the publick good are suffered to be Printed, but even all written Copies of them with the same care as *Libels* suppressed; yet they found this severe Speech published in the next days News-Book, to mark them out to their own, and all other Nations, as refractory disobedient Persons, that had lost all respect to His Majesty. Thus were

were they well rewarded for their *Job of Perpetual Sitting*, and of *Ading*; the Parliament being grown to that height of Contempt, as to be *Gazetted* among Run-away Servants, Lost Doggs, Strayed Horses, and High-way-Robbers.

In this manner was the Second Meeting of this, whether *Convention* or *Parliament*, concluded; but by what Name soever it is lawful to call them, or how irregular they were in other things, yet it must be confessed, That this House or Barn of Commons, deserved Commendations for having so far prevented the Establishment of Popery, by rejecting the Conspirators two Bills, Intituled.

1. *An Act for further securing the Protestant Religion, by Educating the Children of the Royal Family therein; And for the Providing for the Continuance of a Protestant Clergy.*

2. *An Act for the more effectual Conviction and Prosecution of Popish Recusants.* And for having in so many Addresses applied against the French Power and Progress; And their Debates before recited upon this latter Subject, do sufficiently shew, that there are men of great Parts among them, who understand the Interest of the Nation, and as long as it is for their purpose, can prosecute it.

For who would not commend Chastity, and rail against Whoring, while his Rival enjoys his Mistress?

But on the other side, that poor Desire of perpetuating to themselves those Advantages which they have swallowed, or do yet gape for, renders them so abject, that they are become a meer Property to the Conspirators, and must, in order to their Continuance, do and suffer such things, so much below, and contrary to the Spirit of the Nation, that any honest man would swear that they were no more an *English* House of Parliament. And by this Weakness of theirs it was, that the House of Peers also (as it is in contiguous Buildings) yielded and gave way so far, even to the shaking of the Government. For had the Commons stood firm, it had been impossible that ever two men, such as the Black and White Lords, *Trevise* and *Frechwell*, though of so vast Fortunes, extraordinary Understandings, and so proportionable Courage, should but for speaking against their Sense, have committed the Four Lords (not much their Inferiours) and thereby brought the whole Peerage of England under their Vassalage.

They met again at the Day appointed, the 16. of July, The supposed House of Commons were so well appayed, and found themselves at such ease, under the Protection of these frequent Adjournments, which seemed also further to confirm their Title to Parliament, that they quite forgot how they had been Outlawed in the *Gazette*, or if any sense of it remain'd, there was no opportunity to discover it. For his Majesty having signified by Mr. Secretary *Cowentry* his Pleasure, that there should be a further *Adjournment*, their Mr. *Seymour* (the Speaker deceased) would not suffer any Man to proceed: But an Honourable Member requiring modestly to have the Order read, by which they were before Adjourned, he interrupted him and the Seconder of that Motion. For he had at the last Meeting gained one Precedent of his own making for Adjourning the House, without question, by his own Authority, and was loath to have it discontinued; so that without any more ado, like an infallible Judge, and who had the Power over Councils, he declared, *Ex Cathedra*, that they were Adjourned till the third of December next. And in the same moment stamp'd down on the Floor, and went forth (trampling upon, and treading under foot, I had almost said, the Priviledge and Usage of Parliament, but however) without shewing that decent Respect which is due to a Multitude in Order, and to whom he was a *Menial Servant*.

In the mean time the four Lords lay all this while in the Tower, looking perhaps to have been set free, at least of Course by Prorogation. And there was the more reason to have expected one, because the Corn Clause, which deducted *Communibus Annis*, 35000 l. out of the King's Customs, was by the Act of Parliament to have expired.

But these frequent Adjournments left no place for Divination, but that they must rather have been calculated to give the French more scope for perfecting their Conquests, or to keep the Lords closer, till the Conspirators Designs were accomplished; and it is less probable that one of these were false, than that both were the true Causes. So that the Lords, if they had been taken in War, might have been ransomed cheaper than they were Imprisoned. When therefore after so long Patience, they saw no end of their Captivity, they began to think that the procuring of their Liberty deserved almost the same Care which others took to continue them in Durance, and each of them chose the Method he thought most advisable.

The Earl of *Shaftsbury* having address'd in vain for his Majesty's Favour, resorted by *Habeas Corpus* to the King's Bench, the constant Residence of his Justice. But the Judges were more true to their Parents than their Jurisdiction, and remanded him, Sir *Thomas Jones* having done him double Justice, answering both for himself and his Brother *Twisden*, that was absent, and had never heard any Argument in the Case.

The Duke of *Buckingham*, the Earl of *Salisbury*, and the Lord *Wharton*, had better Fortune than he, in recurring to his Majesty by a Petition, upon which they were enlarged, making

ute of an honourable Evation, where no legal Reparation could be hoped for. Ingrateful Persons may censure them for enduring no more, not considering how much they had suffered. But it is honour enough for them to have been Confessors; nor as yet is the Earl of *Shaftsbury* a Martyr for the *English* Liberties and the Protestant Religion, but may still live to the Envy of those that malign him for his Constancy.

There remains now only to relate, That before the Meeting appointed for the Third of December, his Majesty's Proclamation was issued, signifying that he expected not the Members attendance, but that those of them about the Town may *Adjourn themselves* till the Fourth of April, 1678. Wherein it seemed not so strange, because often done before, as unfortunate, that the *French* should still have so much further leisure allowed him to compleat his design upon *Flanders*, before the Nation should have the least opportunity of interposing their Counsels with his Majesty (it cannot now be said) to prevent it. But these Words that the House may *Adjourn themselves*, were very well received by those of the Commons, who imagined themselves thereby restored to their Right, after Mr. *Seymour's* Invasion: When in reversal of this, he probably desiring to retain a Jurisdiction, that he had twice usurped; and to add this Flower to the Crown of his own planting, Mr. Secretary *Coventry* delivered a written Message from his Majesty on the 3d. of December, of a contrary effect, tho' not of the same validity with the Proclamation, to wit, That the Houses should be *Adjourned* only to the 15. of January, 1677. Which as soon as read, Mr. *Seymour* would not give leave to a worthy Members offering to speak, but abruptly, now the third time of his own Authority, *Adjourned* them, without putting the Question: Altho' Sir *John Finch*, for once doing so in *Tertio Caroli*, was accused of High-Treason: This only can be said, perhaps in his Excuse, That whereas that in *Tertio Caroli* was a Parliament legally constituted, Mr. *Seymour* did here do as a Sheriff that disperses a Riotous Assembly. In this manner they were kickt from Adjournment to Adjournment, as from one Stair down to another, and when they were at the bottom, kickt up again, having no mind yet to Go out of Doors.

And here it is time to fix a Period, if not to them, yet to this Narrative. But if neither one Prorogation, against all the Laws in being; nor three vitious *Adjournments*, against all Precedents, can Dissolve them, this Parliament then is immortal, they can subsist without his Majesty's Authority, and it is less dangerous to say with Captain *Elfdon*, so lately, *Si Rebellio eueniret in Regno, & non accideret fore contra omnes irer Status, Non est Rebellio.*

Thus far hath the Conspiracy against our Religion and Government been laid open, which if true, it was more than time that it should be discovered; but if any thing therein have been falsely suggested, the disproving of it in any particular, will be a Courtesy both to the Publick and to the Relator, who would be glad to have the World convinc'd of the contrary, tho' to the Prejudice of his own Reputation. But so far it is from this, that it is rather impossible for any observing man to read without making his own farther Remarks of the same nature, and adding a Supplement of most Passages, which are here but imperfectly toucht. Yet some, perhaps, may *Object*, as if the Assistance given to *France* were all along *invidiously aggravated*, whereas there have been, and are, considerable Numbers likewise of his Majesty's Subjects in the Service of *Holland*, which hath not been mentioned. But in answer to that, It is well known thro' what Difficulty and Hardship they passed thither, escaping hence over, like so many Malefactors; and since they are there, such care hath been taken to make them as serviceable as others to the Design, that of those three Regiments, two, if not the third also, have been new modelled under Popish Officers, and the Protestants displaced. Yet had the Relator made that voluntary Omission in partiality to his Argument, he hath abundantly recompensed in sparing so many Instances on the other side which made to his purpose: The abandoning his Majesty's own Nephew for so many years, in compliance with His and our Nations Enemies, the further Particulars of the *French* Depredations and Cruelties exercised at Sea upon his Majesty's Subjects, and to this day continued and tolerated without reparation: Their notorious Treacheries and Insolencies, more especially relating to his Majesty's Affairs. These things abroad, which were capable of being illustrated by many former and fresh Examples. At home, the constant Irregularities and Injustice from Term to Term, of those that administer the Judicature betwixt his Majesty and his People. The Scrutiny all over the Kingdom, to find out men of Arbitrary Principles, that will *bow the Knee to Baal*, in order to their Promotion to all Publick Commissions and Employments; and the disgracing on the contrary, and Displacing of such as yet dare in so universal a depravation be honest and faithful in their Trust and Offices. The Defection of considerable Persons, both Male and Female to the Popish Religion, as if they entred by Couples, clean and unclean into the Ark of that Church, not more in order to their Salvation than for their temporal Safety. The State of the Kingdom of *Ireland*, which would require a whole Volume to represent it. The tendency of all Affairs and Counsels in this Nation towards a Revolution. And (by the great Civility and Foresight of his Holiness) an *English* Cardinal now for several years prepared like Cardinal *Pool* to give us *Absolution*, *Benediction*, and receive us into *Apostolical* Obedience. It

It is now come to the Fourth Act, and the next Scene that opens, may be *Rome* or *Paris*, yet men sit by, like idle Spectators, and still give Money towards their own *Tragedy*. It is true, that by his Majesty's and the Churches Care, under God's special Providence, the Conspiracy hath received frequent Disappointments. But it is here as in Gaming, where though the Cheat may loose for a while, to the Skill or good Fortune of a fairer Player, and sometimes on purpose to draw him in deeper, yet the tall Dice must at the long run carry it, unless discovered, and when it comes once to a great Stake, will infallibly sweep the Table.

If the *Relator* had extended all these Articles in their particular Instances, with several other Heads, which out of Respect he forbore to enumerate, it is evident there was matter sufficient to have further accused his Subjects. And nevertheless he foresees that he shall on both hands be blamed for pursuing this Method. Some on the one side will expect, that the very Persons should have been named; whereas he only gives Evidence to the Fact, and leaves the Malefactors to those who have the Power of Inquiry. It was his design indeed to give Information, but not to turn Informer. That these to whom he hath only a publick Enmity, no private Animosity, might have the Privilege of States-men, to repent at the last hour, and by one single Action, to expiate all their former Misdemeanors. But if any delight in the Chase, he is an ill Woodman, that knows not the Size of the Beast by the Proportion of his Excrement.

On the other hand, some will represent this Discourse (as they do all Books that tend to detect their Conspiracy) against his Majesty and the Kingdom, as if it too were written against the Government. For now of late, as soon as any man is gotten into publick Employment by ill Acts, and by worse continues it, he, if it please the Fates, is thenceforward for the Government, and by being Criminal, pretends to be Sacred. These are, themselves, the Men who are living Libels against the Government, and who (whereas the Law discharges the Prince upon his Ministers) do, if in danger of being questioned, Plead, or rather Impeach his Authority in their own Justification. Yea, so impudent is their Ingratitude, that as they intitle him to their Crimes, so they arrogate to themselves his Virtues, challenging whatsoever is well done, and is the pure Emanation of his *Royal Goodness*, to have proceeded from their Influence. Objecting thereby his Majesty, if it were possible, to the Hatred, and interposing, as far as in them lies, betwixt the Love of his People. For being conscious to themselves how inconsiderable they would be under any good Government, but for their notorious Wickedness, they have no other way of subsisting, but by nourishing Suspensions betwixt a most Loyal People, and most Gracious Sovereign. But this Book, though of an extraordinary Nature, as the Case required, and however it may be calumniated by interested Persons, was written with no other intent than of meer Fidelity and Service to his Majesty, and God forbid that it should have any other effect, than *That the Mouth of all Iniquity and of Flatterers may be stopped*, and that his Majesty having discerned the Disease, may with his Healing Touch apply the Remedy. For so far is the *Relator* himself from any sinister Surmise of his Majesty, or from suggesting it to others, that he acknowledges, if it were fit for *Cesar's* Wife to be free, much more is *Cesar* himself from all Crime and Suspicion. Let us therefore conclude with our own Common Devotions, *From all Privy Conspiracy, &c. Good Lord deliver us.*

A L I S T O F

Several SHIPS belonging to the *English Merchants*, Taken by *French Privateers*, since December, One thousand six hundred seventy and three.

A L S O

A Brief ACCOUNT touching what Applications have been made for Redress, at the Council-Board, and with the Committee of Trade.

At the Court at White-Hall, the 4th of August, 1676.

P R E S E N T,

The KING's Most Excellent Majesty in Council.

The Right Honourable the Lords of the Committee of Trade did this day present unto his Majesty in Council, a Report touching the Injuries which his Subjects did sustain by the French Capers, in the Words following.

May it please Your Majesty,

There was presented unto your Majesty in Council, on the 31. of May last, a Petition in the Name of all the Merchants of London, and other Places, concerned in the several Ships taken by the *French Privateers*, and carried into several Ports of that Kingdom: And their Complaints consisted of the Points following.

1. That the Ships and Goods of your Subjects, though manned according to the ACT of Navigation, and furnished with all necessary Passes, were daily seized and carried into *Dunkirk, Calais, Sherbrook*, and other Ports, the Masters and Mariners kept close Prisoners, to force them by hardship to abuse their Owners, or else for Relief of their own Necessities (being commonly stripped and plundered) to enter into the Privateers Service, which great Numbers have done, with very pernicious Effects.

2. That the Delay and Charge of Prosecuting the Law in *France*, does commonly make the Owners to become Losers of half the Value, when ever they are most successful.

3. That there is no Reparation ever gotten from Privateers, for what they plunder and imbezzle; which makes them freely seize upon all they meet, and perpetually molest the Navigation of your Subjects.

Wherefore your Petitioners humbly imploring your Majesty's Protection and Relief, Your Majesty was hereupon graciously pleased, out of a Sence of your Subjects Sufferings, to command that some Frigats should sail forth to clear the Coast of those Privateers, to seize them, and bring such as had offended to make Restitution. And your Majesty did further Order, That the Committee of Trade, should as well take notice of the particular Cases and Complaints depending, that such of them as were of *Weight and Merit*, might be fitted to receive your most gracious Recommendation for Relief, as to survey the whole number of *Seizures*, which have been made on your Subjects, in Order to lay before your Majesty what Hardship hath been sustained at Sea, and what sort of Justice hath been administered in *France*; with their Opinions of what it is fit to advise your Majesty herein.

In Obedience to which Command, we have herewith annexed a List of such Ships as have been seized, to the Number of 53. And the Cases wherein the Owners have repaired unto your Majesty, either in your Council, or by your Secretary of State for Relief. Which, as in the General it supposes a Justice in such Complaints; so, it leaves a Suspicion of great Hardship in the Method of Redress. And the Number of Captures is so small Proof of the Facility of Condemnation.

How many other helpless men there have been besides the said Cases, who have not had Ability to prosecute, or how many of these Cases have been favoured with Redress, we cannot certainly understand, till the Information we have sought for come from Paris, which may also enable us to Compleat their Circumstances of every Case.

But in the mean time, such of all the Instances of Redress, as are come to our knowledge, we have not failed, in the Margin, to make mention of them, being in number seven.

While we were in the midst of this Prosecution, Mr. Secretary Coventry, does on the Sixth Instant, present unto the Committee a Paper, which he received from the French Ambassador, Monsieur Gourni, relating to these matters, and the Contents thereof were as follow.

An Extract of a Letter from Monsieur Colbert to Monsieur de Pomponne,
written the 28th of June, 1676.

FOR what concerns the Prizes, it would be a difficult matter to answer to all the Cases contained in Monsieur Courtin's Letter; What I can say, is,

That the Council for Marine Affairs, sits every Friday at St. Germans.

That all Privateers and Reclaimers know it.

That Sir Ellis Leighton, nominated by the English Ambassador, hath always notice of it, and is alwas present at it.

That not a Week passes, but I give him two or three Audiences, and oftentimes, I send for him on purpose.

His Reasons are all Reported, Read and Examined.

As likewise are all Petitions of Reclaimers; and I shall tell you more, I acquaint him with the Reasons upon which Judgment is given.

In giving Judgment, all Vessels which have any Appearance of being English, are Released, and very often, and almost always, although we are satisfied that the Ships are Dutch, yet they are released because there is some appearance of their being English; and every thing is judged favourably for that Nation: And it is true, that all Ships that are taken are of Dutch Built; That they never were in England; That the Masters and all the Equipage are Dutch; That the Documents are for Persons unknown, and which are not oftentimes so much as named; That they carry with them only some Sea-Briefs from Waterford, or some other Town of Ireland or Scotland; That the whole Ships Company deposes, they were sent to Holland; That we have found on Board three or four Vessels, Bills of Accompts, by which is seen the English take two, three, or four Per Cent. for owning of Ships; And although it is impossible to avoid Confiscating them, yet these are the Ships which make such a Noise in England.

In answer to which Remarques; tho it be true, that all respect imaginable ought to be given to what Ministers of that Consideration do pronounce, Yet there being some difference between them who feel the smart, and those who feel it not; we shall insist on some Particulars, that your Majesty may discern whether your Subjects are so fortunate in their freedom of Trade at Sea, or in the helps of Justice when they are seized, as the Report and Information of the Letter would seem to make out. For as it magnifies the Favour which is exercised in France, the Facility in all Addresses, and the tenderness to relieve Englishmen in all Complaints, so we cannot on this Subject but own to your Majesty the very different Resentments we have thereof; for we understand that when English Ships are brought into the Ports of France, many of the Mariners complaining of ill Treatment, and some of Torment, their Papers being

seized and their Persons in Restraint, till all Examinations are prepared. Then are all the Writings sent up to the Privy Council at *St. Germain*, and their Judgment definitely given; seldom are any of the Reasons of Condemnation mentioned in the Decree, and never any Appeal or Revision admitted of (so at least it was until the 20th of *June* last). And whether this be the Tenderness or the Justice which is mentioned, we do not know; but we are well assured, That the Methods of your Majesty's Clemency, and Justice on like occasions, have been far otherwise. And we appeal to the present Ambassador, *Monsieur Courdin*, if almost in all Cases, that he or any other of the Ambassadors thought fit to own (when his Excellency was here before, and your Majesty in War with *Holland*, seizing many Ships as Prize, and under great suspicion claimed by the *French*) whether it were not very customary, to have a short Reference, and a summary Examination of all Papers by the Judge of the Admiralty in his Chamber; and that if any things appeared fair in the Case, whether the Ships were not immediately released without Law, Charge or Delay? And will not be out of season, we hope to annex herewith the Copy of an Order of the 21d. of *July* 1665. Signed by the then Lords Commissioners of Prizes, where it will appear, That *Eighteen French Ships* (which were laden with Wine and Brandy) being at *Dover*, and detained as Prize, were all *Eighteen* by one Order discharged without any Law, or even the Ceremony of the Judges Examination; being singly on the Credit of the Ambassador's Word, assuming that they belonged unto the *French*.

And as for the matter of *Revisions* or *Appeals*, after Sentence in the Court of Admiralty here: We know his Excellency will also remember, that never any man was denied his Liberty therein; but on the contrary, your Majesty gave a standing Commission for Appeals in all Cases of Prizes, and filled it with the Lords of your Council only, that every Case might receive a candid as well as unquestionable Determination.

We might also put your Majesty in mind, That during the whole term of your late League with *France*, when ever any *French Ships* were seized by the *Hollander*, and afterwards retaken by his Majesty's Frigats, such *French Ships* were always restored on demand, no consideration being had of the time they were in possession with the *Hollander*, Whether a Month two or three, as sometimes they were; and when the *French Owner*, as it hath happened, knew not of such retaking, but that the Ship was according to Law, condemned to your Majesty, and sold with other Prizes, yet the Claimer appearing, your Majesty hath ordered the Money and Product of the Ships to be restored unto him.

Such various methods of Justice and of Clemency, might have entituled your Majesty to a different Acknowledgment, and more advantageous Effects.

As to the other part of the said Paper, It seems to contain very harsh Imputations on the Trade of your Majesty's Subjects, and from some ill Practice perhaps found out (as every where there may be Instances of the like) General Rules are made, and severe Impressions taken, which having entred the thoughts of some eminent Ministers, we must not wonder (how frequent, and how multiplied soever your Majesty's Recommendations for Justice are) that the Events of Tryals Prove so unfortunate. If your Majesty will but vouchsafe to cast your Eye on the Cases here annexed, You will soon see.

Whether (as is imputed) all the Ships taken are *Dutch* built?

Whether they are all such as never were in *England*?

Whether all the Masters and all the Mariners are *Dutch*?

Whether the Documents be for Persons unknown, and oftentimes not named?

Whether in the whole List there be more than one Ship from *Watersford*, and but six from the rest of *Ireland*; but from *Scotland* not so much as one?

Whether 'tis credible all the Ship's Company do swear they are sent to *Holland*, when so many are taken, even coming from *Holland*?

Your Majesty may see how many Ships in the List are *English* built, taken with *English* Colours, *English* Mariners, *English* Owners, some of them known to your Majesty, and to whom the best Papers your Majesty or your Ministers can sign, or the Treaties do require, are given, but all in vain.

So that if the Case be in the General quite different from what in the General is represented, we hope it will be no Crime for your Majesty's Subjects to make some Noise in *England*, when they are hurt, and when they see their Goods taken from them by Violence, and that Violence rather justified than redressed by Law.

'Tis not for the Condemnation past on those very ill Cases enumerated, that your Subjects do complain; for it were to their Advantage if all such were punished and deterred from Trade, who by collusion take share in that Profit which the favour of the present Conjunction seems wholly to appropriate to this Kingdom.

And surely your Majesty and the whole Kingdom did reckon upon this Advantage, and the extent of Trade that would naturally flow in as one of the greatest Fruits and Blessings of your Peace; so that your Majesty being sensible of great decay and loss of *English* Trading Ships in the late War, did think it advisable to admit your Subjects to repair themselves on the sudden by purchasing of forraign Ships, and your Majesty by your Authority made them

them free, and fit to partake in the Benefit of *English* Ships, to the Diminution of those higher Customs, which otherwise such Ships were obliged to pay. And while your Subjects with these and with their own home-built Ships are in prosecution of the said Advantages, while every man is invited by the Conjunction to venture more, and to enlarge his Trade, while by a general Trust in the Peace and Alliance your Majesty holds with all your Neighbours round about, they are led to go abroad unarmed, and without Defence, we cannot but lament it as a great Misfortune and Disappointment, to observe how these, your Majesty's Subjects, are frequently made a Prey of, and very evilly treated both at Sea and Land.

Wherefore, considering that the Root of all this Disorder arises from the Violence and Rapine of the *French* Capers, who ought to be looked on as Disturbers of the Publick Quiet, and Enemies to the good Friendship between the two Crowns; We are humbly of Opinion, That your Majesty has just occasion, from the Injuries past, and those which are now depending, and which do every day increase, to make a very serious Representation of all unto his most Christian Majesty; And not only press for some better Method of Repairing the Grievances mentioned; But earnestly to insist on the Calling in of all Privateers. Or else your Majesty must do Right, and give Defence to your Subjects from all the Injuries which they so frequently meet;

All which is most Humbly submitted.

Council Chamber

31st July, 1676.

Anglesey,

Finch, C.

Bath,

Bridgewater

Craven,

H. Coventry.

J. Ernle,

G. Cartret.

Robert Southwell.

HIS Majesty taking into his Serious Consideration the daily Complaints of his Subjects, and having a great Sence and Resentment of their ill Usage, hath thought fit to approve the said Report, and is therefore Graciously pleased to Order, as it's hereby Ordered, accordingly;

That the Right Honorable Mr. Secretary *Coventry*, do immediately transmit to his Majesty's Ambassador at *Paris*, a Copy thereof, that so the evil and the unhappy State of these things may be made known in that Court, and the Remedies pressed for in his Majesty's Name; which are proposed by the said Report. And Mr. Secretary is also to attend the *French* Ambassador here, with the same Representation, and to expostulate upon all these Hardships, and the little Remedy given to his Majesty's Subjects, either on the Merits of their Causes, or the Recommendations of them by his Majesty. That so his Excellency being made sensible of his Majesty's Displeasure herein, and the reasonable Discontent of his Subjects, there may be, by his Care, such lively Impressions hereof fixed with the King his Master, and the Ministers of *France*, as may redress the Evils, that are complained of, and obtain the just Remedies which are proposed.

Philip Lloyd.

A

A LIST of Several SHIPS belonging to *English Merchants*, Taken by *French Privateers*, since *December*, One thousand six hundred seventy and three.

A L S O

His MAJESTIE's Orders for Redress, bearing Date as followeth.

June 3d. 1674.

THE *Pelican* and *Hopwell*, two Ketches *English* built, Masters and Mariners all *English*, Laden at *London*, by Merchants of the Place, all *English* and their Owners, bound to *Bilboa*, and consigned to their own Factors. They were taken at their entering to *Bilboa*, by *Le Moine* a Privateer, Commander of the *Reconn*, and carried to *Crefwick*.

November 4th. 1674.

The *Lady of Virginia* and *Saint Joseph*, a *Spanish* built Ship, bought by *Mr. Tye* and *Mr. Hutchins*, both *Englishmen*, in 1673, when his Majesty did tolerate a Trade with foreign Ships and Mariners; and upon the Breach betwixt *France* and *Spain*, this Property was notified at the Admiralty Office at *Bayon*, and at the General Office of Marine at *Paris*. She was laden in the *Canaries* by *Sir Arthur Ingram* Knight, and *Richard Owen*, now *English* Consul there, with Wines, to the Value of 1050 *l.* at first Cost; She was taken in *December*, 1673, near the Mouth of the Channel, by *John de la Roche*, *de Fontaine*, carried by him to the *West-Indies*, and not heard of in a Year.

May 19th. 1675.

The *John* and *Sarah*, of 120 Tun, *English* Built, *William Baston* Master, he and his Mariners *English*, *Abraham* and *Francis Jaggard* *English* Owners of the Ship, Laden with Wooll at *Bilboa* for Account of *George Banon* of *London*, and *Robert Hutchins* of *Exeter*; She was in her Course to *Hamborough*, whether she was bound, and the Goods consigned, seized in the Bay of *Biscay*, on the 4th of *October*, 1674, and by *Michael Gaurvaine*, a Privateer of *Puerto Lewis*, carried into *Rochel*, where notwithstanding her Cockets and Bills of Lading, she was Condemned for want of a Sea-Brief.

November 20th. 1674.

The *Oake*, *John Symmonds* Owner, *Sir John Frederick* and other *Englishmen* Laders; They had Cockets and Bills of Lading, but seized and carried in, and about the same time, for want of a Sea-Brief.

November 20th. 1674.

The *Orange Tree*, *Andrew Squash* and Co-partners, Laders, and Owners, taken about the same time, and carried in, having all Papers necessary, except a Sea-Brief.

Jan. 27th. 1674.

The *Great Duke of Tuscany*, an *Italian* Ship, Laden with 4000 *Holland* Cheeses upon the Account of *William Welch*, Merchant of *London*, to be sent to *Rochel*, is seized on in *Torbay*, by a *French* Capet, and carried to *Crefwick*.

March 19th. 1675.

The *Postillon of Cadix*, a *Dutch* Ship, *John Simpson* Master, being run into *Torbay*, and within half a Harler's length of the Shore, is seized on by Boats sent from the Ships of some *French* Men of War, and Particularly the *Chevalier de Reynold*.

March 3d. 1675.

His Majesty's *Pacquet-Boat* is by *Anthony Vander Tyden*, a Capet of *Dunkirk*, plundered of Jewels as she was passing into *Holland*.

August

August 4th. 1675.

The *Unity* 250. Tuns, *John Shipecy* Master, wholly mann'd with His Majesties Subjects, provided with all Passes and Testimonials, by the Treaty required, and belonging to *William Welch* Merchant of *London*, is in her Course from *Lisbon* to *Rotterdam*, seized by two French Capers, and carried into *St. Maloes*.

September 28th. 1675.

The *Golden Sun* of *Bremen*, burthen 100 Tuns, *Egbert Coster* Master, richly laden with Drapery and English Manufactures, by *Edward Smith*, and a great number of other Merchants of *London*, as by Bill of Lading, and Depositions taken before the Lords of the Committee of Trade and Plantations appeared; she was in her course from *London* to *Hamburg*, in *September 1675*. taken by a French Privateer, carried into *Dunkirk* and condemned, though *Bremen* be under the protection of the *Swede*. The Parties appearing before the Lords of the Committee, swore the principal Costs of their Goods was to the value of 3092 *l*.

September 28. 1675.

Content of *Tarmouth*, English built, *Robert Williams* Master and halfe Owner, manned with His Majesties Subjects, and provided with Passes. The other halfe, and the whole of the Lading, belonging to *Simon Francia*, who is Naturalized. As the Ship was sailing from *Rotterdam* to *Falmouth*. and so in her course to the *Canaries*, is seized in *September* last, by a French Privateer, carried into *Calais*, the Goods condemned, and the Ship restored, yet the Master swears his Losses amount to 996 *l*. 8 *s*. and 6 *d*. And the said *Francia* his unto 3975 *l*. 2 *s*. and 3 *d*.

December 1st. 1675.

Elizabeth of *London*, *John Job* Master, manned according to the Act of Navigation, *Francis Terence* an Englishman the Owner, and he, with others of His Majesties Subjects, Proprietors of the Lading, in her course from *Rosbel* to *Rotterdam*, is seized and carried into *Calais*.

October 17th. 1675.

The Contents of *Bristol*, *Walter Hide* Master, *James Whitwood* Owner, bound from *Bristol* to *France*, was near *Ushen* in *November 1673*. run wilfully under water, by the *Chevalier de Betune*, in the Ship *L'Oriflam*, the Master and Mariners swear that they saved themselves in the Portholes and Ladders of the French Ship, had no help from the French to save them, but being on board for a moneth, were grossly abused. The Loss upon Oath, amounted unto 1100 *l*.

January 30th. 1675.

The *James* of *Dover*, bound for *Bilboa*, *Anthony Andrews* Master, *Nicholas Cullen* of *Dover*, and other English Merchants are Owners. The Ship is taken by the French Privateer out of *Ter-Bay*, and carried into *St. Maloes*. Restored.

February 23. 1676.

The *John and Elizabeth*, English built, *Thomas Rising* Master, and Part-Owner, the Mariners all English, *John Smith*, *Edmund Smith* of *Rye*, and the Master, all Subjects of His Majesty, Owners of the Cargo: She was in her course from *Rye* to *Rotterdam*, in *December, 1675*. seized within Pistol-shot of *Dover-Peer*, by *Nicholas Botfel*, a French Capter, the Master much abused, and one of the Men shot through the Body, for no other reason than not striking the Top-sail, as the Capter hath been examined by the Judge of the Admiralty, in *March* last.

February, 23. 1675.

The *Resolution* Frigat, English built, *John Aden* Master, belonging to *James Littleton* and *Edward Nelford* of *London*, Merchants; she was bound from *Bilboa* to *Amsterdam*, Laden with Wooll and Iron, for the sole Accounts of the King's Subjects. She had her Pass and Bills of Lading, yet seized by two Privateers, and carried into *Dunkirk*. Restored.

The Growth of Popery.

March 3. 1675.

The *Society of Boston*, *Thomas Edwards* Master, laden with Provisions by *Edward Sanders* of *London* Merchant, in her course from *New-England* to *Jamaica*, is seized by *Montieur Offerme* Governor of the *French Tortugas*, and the Provisions taken out.

March 8th 1675.

The *Catherine Galliot*, *Adrian Chapmotts* Master, *Henry de Wild* Owners, His Majesties Subjects, notwithstanding a Pass from the Lords of the Admiralty, she is in her Course from *Tarmouth*, at *Roan* taken, and carried into *Dunkirk*.

April 7th. 1676.

The *New Exchange*, *Walter Peace* Master, *Will. York*, *Henry Glover* and other Merchants of *Limerick*, His Majesties Subjects Owners of Ship and Goods; she had Passes in due Form on Board, as also an Order from the Court of *France* for her release upon a former Capture, by a Privateer of *Calais*, but is taken by *Charles Landschooter* of *Dunkirk*, and there condemned as Prize.

April 19th. 1676.

The *Abraham of Lohdon*, *John Peterseppits* Master, *Thomas Ball* of *London* Merchant is Owner, as appeared by Bill of Sale; she had a Pass, and yet in her Voyage from *Zealand* to *England* was carried into *Dunkirk*.

April 28th. 1676.

The *Green Dragon*, *James White* Master, being laden at *Limericke* with Beef, Butter, Tallow, Salted-Hides, and other Commodities of the Country, and bound for *Ostend*, was on the 15th of *April* last seized by Captain *Juny*, and carried into *Cherbrook Road*; all the Ships Papers taken away, and the Master and Mariners forced, by torture, to sign a Paper, acknowledging that the Ship belonged to *Ostend*, though she belongs to *Patrick Rochford* of *Limericke*, Merchant; and had all necessary Sea briefs and Passes, and the Lading belongs to *Sir John Frederick* and others; all His Majesties Subjects. The Master, and three Fourths of the Mariners were His Majesties Subjects.

May 19th. and June 30th. 1676.

The *Elizabeth of London*, *English* built, burthen about 80 Tuns, *John Ranger* Master; manned with *English-men*, having a pass from the Lords of the Admiralty, and a Port-pass from *Dover*, being laden with Merchandises at the *Terceraes*, partly on the account of *Abraham Chapman* of *London* Merchant, and the rest for *English* and *Portugueses*, and bound for *Amsterdam*, was seized by the *Chevalier de Beaumont*, a *French* Caper, on the 14th of *May*, near *Portland*, and carried into *Cherbowrne*, where the Master hath been ill used, and the Ship and Goods threatned to be confiscated.

May 5th. 1676.

The *Saint John*, *John Saint John* Master, Laden with Wine, Brandy, and Rosin; coming from *Bordeaux* to *England*, was seized by *James Swan*, His Majesties Subject, serving by *French* Commission, and carried into *Dunkirk*; Notwithstanding the Ship and Lading did belong to the Lord *Bullinbrook* and other His Majesties Subjects, Restored.

May 5th. 1676.

The *Nicolas of Dover*, *Nicolas Bernard* Master; laden with Barley at *Marenes* in *France*, by *John Callens* of *Rochel* for account of *English*, who afterwards entred the said Barley in the *Custom-house* there, as bound for *Middleburg*, where it was consigned to an *English-man*, he paid the Duties and made Oath that no Prohibition was there given against Transporting Corn into an Enemies Country; yet, on this pretence, was the said Ship, in the Course of her Voyage, taken and carried into *Calais*. Restored.

May

May 5th. 1676.

The *Sufanna* of London, *Cornelius Caricns* Master, *William Welch* of London Merchant, sole Owner, laden with 44 Chests of Sugar, with 24 Pipes of pickled Lemons, besides other Goods which belonged to the Subjects of *Portugal*; she had all necessary Passes and Sea-Letters, as well from the Lords of the Admiralty, as the Town whence she set out; she was in her Voyage from *Lisbon* to *Rotterdam*, taken by *David Brizon*, His Majesties Subject sailing by *French* Commission, and caried into *Bulloigne*.

May 19th. 1676.

The *Peace* of Dublin (Burthen 150 Tuns) *Paul Hayes* Master, *William Williamson*, *William Martin*, and *Samuel Martin* of Dublin, all Subjects of His Majesty and Owners; in her Voyage from *Amsterdam* to *Bourdeaux* she is, on the first of *April*, seized near *Dover-Castle*, and notwithstanding her Passes, and all other necessary Papers, was carried into *Calais*.

May 26th. 1676.

The *William* of London, *John Cornelioson* Master, a Denizon of *Ireland*, *William Galt* the Owner, a Merchant of London, and natural-born Subject; she was in her Voyage from *Rochel* to the *Sound*, taken in *April* last, by one Captain *Anthony*, and carried into *Calais*, all his Paperstaken from him, also their Goods and Cloaths, the Master stript naked, he and several of his Men put in prison, and there detained, till they had signed such Papers as were tendred to them, being not allowed an Interpreter, by the President of *Calais*, as was Sworn by the said Master, before the Lords of the Committee of Trade.

June 7th. 1676.

The *Hope* of London, *English* built, *Richard Milborne* Master; All the Mariners but One, Subjects to His Majesty, had Passes and Sea-briefs: Yet as she entred into *Dover*, (within Gunshot of the Castle) was seized by Captain *Bowen*, a Subject of His Majesties, sailing by *French* Commission, and carried into *Dunkirk*.

June 7th. 1676.

The *Pellican* of London, *John Sanderson* Master, *William Welch* and *John Swinton*, who are His Majesties Subjects, Owners of Ship and Lading, is come from the *Terceraes*, and being come to *Amsterdam*, she is taken and carried into *Dunkirk*.

June 14th. 1676.

The *Agatha*, Foreign built, 250 Tuns, laden with Deals at *Waterwick* in *Norway*; the Master's Name *John Peters*, a free Denizon, and the Ship and Goods belonging to *John Doril* and other Merchants who are *English*. But in her Voyage to *Amsterdam*, is taken as Prize.

June 21st. 1676.

The *James* of London, a Free Ship, *John Williamson* Master, the Owners all *English*, manned with 12 *English* and two Strangers, with a Pass from the Lords of the Admiralty, and other necessary Testimonials. She was laden with Salt and *Setubal*, and coming to London, was on the 28th of *May*, within Gun-shot of *Dover-Castle*, seized and carried into *Calais*, the Ship run-a-ground, the Back broke, and Men abused, and their Papers taken away.

June 25th. 1676.

The *Patrick* of *Waterford*, a Pink of 70 Tun, *John Tucker* Master, she was in *October* last taken by a Privateer of *Ostend* from the *French*, carried into the *Groine*, condemned as Prize; bought by *Philip Stafford* an *Englishman*, and there laden by him with Vinegar, Lemons and Oranges, and being sent to *Rotterdam*, is taken near *Dover-Castle*, and carried into *Calais*, to his detriment of 484*l.* as is Sworn before the Lords of the Committee, by *Thomas Rossiter*, His Majesties Subject, and Servant to the said *Stafford*.

June

The Growth of Popery.

June 28th. 1676.

The *Resolution* of *Pool*, English built, *Anthony Hart* Master, laden at *Pool* in May last, with Wheat, Barley and Rye, of the growth of the Kingdom, by *John Welchman* of *Christ Church* Merchant, sole Owner thereof, to be delivered to his Son at *Rotterdam*. She was taken in May by *Oliver Compin*, and carried into *Dunkirk*, though she were English built and English Mariners aboard, had a Pass according to the late Regulation, and the Ship belonging to the Master and one *Thomas Barefoot* and the Parties concerned, being Subjects to His Majesty. All which hath been proved by Authentick Attestations, and upon Oath, before the Lords of the Committee.

June 28th. 1676.

The *Peace* of *Dublin*, *George Adrianfon* Master, belonging to *William York*, and *Andrew Joyce*, His Majesties Subjects; and by them laden at *Gormay* in *Ireland*, with raw Hides, Tallow, Leather, and other things of the growth of that Country, consigned to *William Eaton* of *Dover*, Merchant, had Bills of Lading, Sea brief, and other necessary Papers aboard; yet in March last was near *Dover*, seized by Captain *William Bowen*, Captain *Peter Vermill*, and *Sacret Longschoten*; she is carried into *Dunkirk*, to the Owners detriment of 1000 *l*. And the Ships company were stript, plundered, and exceedingly abused by the said *Bowen*.

June 6th. 1676.

The *Margaret* of *London*, 320 Tuns, Foreign built, but made free by Warrant of the 14th of June 1674. belonging to *Chamberlain Donne*, Merchant of *London*, manned with Englishmen, all except two, and the Master, *John Chrisman* a free Denizon; she is Laden with Salt at *Rochele*, by order of *Chrystoffom Hamilton*, and being bound for *Danzick*, had a Pass under the King's hand, countersigned by Mr. Secretary *Williamson*; yet she is taken, and carried into *Calais*, the 24th of June last.

July 6th. 1676.

The *Judith* of *Dover*, belonging to *Abraham Stock* Merchant of the place, is taken by Privateers of *France*, and carried into *Dunkirk*.

July 14th. 1676.

The *St. George* of *London*, *Henry Fairweather* Master, laden at *Christiana* in *Norway*, by order of *George Tursfey* Merchant of *London*, sole Owner of the Ship and Goods, and his Majesties Natural-born Subject; she was in her course to *London*, met by the *Boyal* of *Dunkirk*, rifled and plundered of what could readily be taken away, the Papers seized, and all carried into *Dunkirk*, where they were run ashore, and the Ship in danger to be split on the first change of weather, and the men very evilly treated.

June 26th. 1676.

The *Shepherdess*, of *London*, 280 Tuns burthen, *Tyant Fecky* Master, a free Denizon, had His Majesties Pass, and sailing from the *Fly* to *Norway*, was taken and carried into *Calais*. That the Ship and about 60 *l*. in Money belong to *Cornelius Van Alderwelt*, as is sworn by the said *Fecky*, and made out by all Papers found in the said Ship.

July 10th. 1676.

The *Swan* of *London*, *John Richardson* Master, Laden with Salt, Wine, Brandy, and other Merchandize at *Nants*, and bound for the *Baltick*. The Ship and Goods solely belonged to *John Eyre*, and *Robert Tigh* Merchants, His Majesties Natural born Subjects. She was seized by Captain *Duranto*, carried into *Cheerbrook*, her Bills of Lading, her Sea-brief, and other Papers torn from them, the Ship plundered to the value of 250 *l*. in Goods, the Mariners imprisoned sixteen days, all which is deposed by him and others.

July 11th. 1676.

The *Orange-tree* of *Topham*, *Samuel Sintal* of *Topham* Master, Trading (for these Fourteen years) as a free Ship of *England*, and so entred into the Custom-house of several Ports, and did belong to *Andrew Quash* of *Exeter*, and other Merchants of that place; All the Mariners English, yet as she was coming homewards from *Rotterdam*, was on the

12th.

The Growth of Popery.

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12th of July. 1674. met near *Portland*, by Captain *Bodwyne*, and carried into *Sherbrook*. That besides the loss of Ship and Goods the Mariners are damnified to the value of 266 l. and the loss of three of their Lives.

July 14th. 1676.

The *Margaret* of *London*, burthen 200 Tuns, *William Lambert* a free Denizon, an Inhabitant of *Dover*, Master; having a Pass from the Lords of the Admiralty and manned according to the Act of Navigation, in her Voyage from *Roche* (where she took in her Lading of Salt) was on the 15th of June last, taken by a French privateer, called the *Geometry*, *Peter Minack* Commander; and carried into *St. Maloes*, where she is detained, and the Master and Seamen beaten and abused. All which is represented by *James Thierry* of *London*, Merchant, His Majesties Subject.

July 14th. 1676.

The *Welcome* of *London*, English built, whereof *James Thierry* of *London*, Merchant is sole Owner, and *Zacharias Barion* Master, both his Majesties Subjects, having taken in her Lading at *Santo Cruz*, in *Barbary*, of Copper, Wax, and Almonds, on the account of *Gomez Rodriguer*, his Majesties Subject, and an Inhabitant of *London*, was on the 9th of June last, within five miles of *Dover*, taken by one *Aren Johnson*, a French Privateer, and carried into *Dunkirk*, where they are still detained. The said Ship had a Pass from the Lords of the Admiralty, and a Sea-brief from the Mayor of *Southampton*, and manned with His Majesties Subjects, one excepted, all which hath appeared by Oath and Certificates.

June 28th. 1676.

The *Charity* of *London*, a Prize Ship made free, *Robert Cotton* Master, Navigated by Englishmen, was freighted with a parcel of Salt at *Dartmouth*, by Master *Tucker* of *Lyme*, Merchant, and consigned to his Brother *Samuel Tucker* at *Rotterdam*, and on her Voyage thither, about the 14th of April last near *Dungenesse*, she was seized by a French Caper, one *Gellitan* Commander, and carried into *Dunkirk*. That the said Vessel appertains to the Lady *Holcroft*, His Majesties Natural-born Subject, as also are both the fore-named *Tuckers*. And the said *Cotton* deposes, that he believes no stranger, directly or indirectly, had any Interest in the Ship and Lading, when she was seized.

June 3d. 1676.

The *Two Brothers* of *London*, *Thomas Peachey* Master, burthen 100 Tuns, belonging unto *William Miles*, and *Edmond Peachey* of *London*, Merchants, was laden with Corn at *Burdeaux*, for the proper account of *James Verspreet*, and *Francis Vandenbrack* also, of *London*, Merchants, and in her Voyage from thence to *Rotterdam*: she was taken at Sea near *Dover*, about the 12th of December last, by Captain *John Pollet* of *Calais*, and carried in there, notwithstanding her Passes from the Lords of the Admiralty, the Lord Mayor, and the French Admiral of *Burdeaux*. That also the said Vessel, and Lading, was after three Months suit discharged, yet the Interessents are really damaged, through the perishing of their Corn, and all other Charges, to the value of 759 l. as appeared on Oath before Sir *Rober Viner*.

*An additional List of Ships belonging to English Merchants,
and taken by French Privateers, touching which, Appli-
cation hath been made to Mr. Secretary Coventry only.*

THE *New Exchange* of *London*, Foreign built, but belonging to *William Tork*, of *Lymrick*, *Anthony Vernier* Master, in her Course from *Burdeaux* to *Dunkirk*, was taken and carried into *Calais*.

The *Charles* of *Dartmouth*, *Andrew Hocker* Master, belonging to *John Whitebrow* of *Dartmouth* merchant; she was laden with Corn, bound to *Saint Sebastian*, but taken and carried into *Saint John de Luz*. Restored.

M m

The

The Ship *North Caper* of Rotterdam, laden with Timber, on account of some Merchants in Dublin, taken within the Bar of Dublin by a French Privateer of Brest, called *Gellin*, and carried thither.

The Ship *Young William*, Foreign built, Burthen 100 Tuns, *Thomas Vough* Master; belonging to *William Tork* of Limerick, bound for *Bilboa*, manned with His Majesties Subjects, having a Sea-brief on Board of her, taken and carried into Brest, by a Privateer of that place, Restor'd.

The *James*, belonging to Sir *Thomas Allen* and others, burthen 30 Tuns, *Robert Dilworth* Master, bound from *Bordeaux* to *Amsterdam*, provided with sufficient Certificates, all her men English, taken and carried into *Calais*. Restor'd.

The King's-Fisher Dogger, English built, *John Johnson* Master, taken by *Peter Casteau*, carried into *Dunkirk*.

The *May Flower*, *Simon Corben* Master, belonging to *George Tye*, *Benjamin Peak*, and other Merchants of London, and though she had a Pass from the Lords of the Admiralty, was English built, and manned with English, yet she was taken and carried into *Cherbrook*.

A Continuation of a List of Ships belonging to English Merchants, and taken by French Privateers, touching which, Application hath been made to the Lords of the Committee for Trade.

Aug. 3. 1676.

THE *Sherwood* of Boston, *Matthew Burebinal*, His Majesties Natural-born Subject, Master, bought at *Amsterdam* about April last, and being bound from thence to *Newcastle*, was, about the 21st of July last in her course thither, taken by a French Privateer, *Nicholas Hayes* Commander, and carried into *Dunkirk*, where she is detained, and threatened to be speedily confiscated, notwithstanding that by the Bill of Sale and other Papers, which the said *Caper* is now possessed of, it doth evidently appear that the said Ship doth truly belong to the Lord *Sherwood*, *Charles Bertice Esq;*, *John Wood* and other His Majesties Subjects, and to no Foreigners.

Aug. 3. 1676.

The *Snecks* of London, *Stephen Holden* Master, being bound from *Rochel* to *Riga*, was lately seized on by a French Privateer, belonging to *Calais*, and carried into that Port, where she is still detained, although she be a free Ship, and was Navigated wholly by Englishmen, and furnished with a Pass according to the late Regulation, and together with her Lading, doth entirely belong unto *Thomas Kayton*, *William Kiden*, *William Prescot*, *Edmond Belisba*, Mr. *Benjamin Aybffe*, and *Henry Housewell*, and others of His Majesties Subjects.

August 8th. 1676.

The *Hopewell*, *Valentine Archer* Commander, was on the 12th of May, 1674. met by a French Privateer called *La Renown*, *Monfieur le Monie* Commander, who took out of her divers Commodities of a considerable value, belonging to *Brune Rives*, and *Richard Barker*, who after much charge and trouble got a Sentence in France for the Restitution of their Goods, but could never obtain Execution thereof, notwithstanding their constant Endeavours and Application.

August 3. 1676.

The *Golden Lyon* of *Sydam*, a Dutch Ship, having on Board 309 Hogsheads of Sugar, belonging to *Rowland Simpson*, His Majesties Subject, was in December 1674. taken by a French Privateer called the *Golden Fleece*, *Bernard le Moine* Commander, and carried into *Milford-Haven*, where by a Warrant out of the High Court of Admiralty, the Prize was taken in Arrest, and in custody of the Officers of the Admiralty; But the said *Bernard le Moine* did, by violating the said Arrest, and the Protection of His Majesties Port, make prisoners of the Officers of the Admiralty, and carried the Prize, together with the Sugars belonging to His Majesties Subjects into France, where he disposed thereof at his own Will and Pleasure.

August

August 3. 1676.

The *Lilly Dogger* of London, John Fisher Master, His Majesties Subject, in return from Virginia, was met by two French Ships, which without respect to the English Colours there flying, fired several times on the said *Dogger*, and afterwards going on Board, plundered to the value of at least 1000 weight of Tobacco, and then dismissed the *Dogger*, with this insolent expression, *Go and tell your King of it.*

August 8th. 1676.

The *Mary* of Leverpoole, an English Ship, Thomas Blunden Master, freighted by Tho. Nisbet Merchant of York, and consigned from Narva to his Factor at Rotterdam, was in her Course thither taken by a French Privateer, and carried into Dunkirk, where she is still detained with the Lading, notwithstanding she was furnished with a Custom-house Pass, and a Pass in pursuance of the Treaty of Denmark, dated about the 10th of April last.

A LIST of other Ships taken by French Privateers.

July 6th. 1676.

THE *William* of Yarmouth, John Littlewood Master, whereof James Simonds is sole Owner, being bound from Hamburg to Bourdeaux, was about the 10th of May last, taken by a French Privateer, whereof one Captain Duranto was Commander, and carried into Cherbrook.

August 13th. 1676.

The Barbados Merchant of Bristol, whereof Abraham Sanders, John Walter, and other Merchants of Bristol, are Laders and Owners, being bound from thence to Bilbao, was about the 1st of June last, seized by French Privateers of Bayon, and carried into that Port, notwithstanding the said Ship is English built, and was wholly Navigated by Englishmen, bore an English Flag, and was furnished with all necessary Papers and Passes pursuant to the late Regulation.

August 31st. 1675.

The *William* of London, belonging unto William King and Robert de le Maine, in her Voyage from Southampton to London, about the 16th of July last, near Bench, was by Captain James Martin a French Privateer, carried into Facan in Normandy, and is there detained; notwithstanding the said Ship was provided with a Pass from the Lords Commissioners of the Admiralty. The Owners have deposed the Ship and Goods to be worth at least 800 l.

September 4th. 1676.

The *Mary Pink* of London, whereof John Gibbs, Nicholas Kempstone, and other English Merchants Owners, having lately been built at Shorham, and manned with all Englishmen was carried into Dunkirk, on the 6th of August, by a French Privateer.

Septemb. 4th. 1676.

The *Little Samuel* of London, whose Owners and Laders are all his Majesties Subjects, was in her Course from Rouen to London, on the 14th of August last, met by a French Privateer, and carried into Calais, although the said *Hoy* was manned wholly with English (except one French Boy,) and had a Pass from the Lords of the Admiralty pursuant to the late Regulation.

September 4th. 1676.

The *Endeavour* of Plymouth, Thoma Rouse Master, belonging together with her Lading to His Majesties Subjects, was on the 15th of August last in her Course to Amsterdam, taken by a French Privateer, called the *Brave*, whereof one La Lander is Commander, and carried into Dunkirk.

F I N I S.

The first of these is the fact that the ship was found to be in a state of decay and disrepair, and that the crew were in a state of poverty and distress.

The second is the fact that the ship was found to be in a state of decay and disrepair, and that the crew were in a state of poverty and distress.

The third is the fact that the ship was found to be in a state of decay and disrepair, and that the crew were in a state of poverty and distress.

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The sixth is the fact that the ship was found to be in a state of decay and disrepair, and that the crew were in a state of poverty and distress.

The seventh is the fact that the ship was found to be in a state of decay and disrepair, and that the crew were in a state of poverty and distress.

The eighth is the fact that the ship was found to be in a state of decay and disrepair, and that the crew were in a state of poverty and distress.

The ninth is the fact that the ship was found to be in a state of decay and disrepair, and that the crew were in a state of poverty and distress.

Mr. Coleman's
T W O
LETTERS
T O
Monsieur le Chaise,

T H E
*French KING's Confessor, with Monsieur le Chaise's
Answer to Mr. Coleman: Which the House of
Commons desired might be Printed.*

TOGETHER
With the D. of Y.'s LETTER to the said *Monsieur
le Chaise*; Which sheweth what Mr. Coleman wrote to him,
was by his special Command and Appointment.

First Printed in the Year, 1678.

T H E
FIRST LETTER
O F

Mr. Coleman to the *French King's Confessor,*
MONSIEUR LE CHAISE.

SINCE Father Saint Germaine hath been so kind to me as to recommend me to your Reverence so advantageously as to encourage you to accept my Correspondence, I will own to him that he has done me a Favour without consulting me, greater than I could have been capable of, if he had advised with me, because I should not then have had the Confidence to have permitted him to ask it in my behalf; And I am so sensible of the honour you are pleased to do me, that though I cannot deserve it, yet a least to shew the sense I have of it; I will deal as freely and openly with you at this first time, as if I had had the Honour of your Acquaintance all my
N n Life,

Mr. Coleman's two Letters to Monsieur le Chaife.

Life, and shall make no Apology for so doing, but only tell you, I know your Character perfectly well, though I am not so happy as to know your Person; and that I have an Opportunity of putting this Letter into the hands of Father Saint Germain's Nephew (for whose Integrity and Prudence he has undertaken) without any sort of Hazard.

In order then, Sir, to the plainness which I promise, I will tell you what has plainly passed between your Reverend Predecessor, Father Ferriers, and my self, about three years ago, when the King, my Master, sent a Troup of his Horse-Guards into the Most Christian Majesty's Service, under the Command of my Lord Duras: He sent with it an Officer called Sir William Frogmorton, with whom I had a particular intimacy, and he had then very newly embraced the Catholick Religion, and to him I did constantly write, and by him address my self to Father Ferriers.

The first thing of great importance, which I presumed to offer to him (not to trouble you with lesser Matters of what passed here; and immediately after the fatal Renunciation of the King's Declaration for Liberty of Conscience, to which we owe all our late mischiefs and hazards) was in July, August, and September, 1672. when I constantly inculcated the great Danger the Catholick Religion and his most Christian Majesty's Interest would be in, at our next Session of Parliament, which was then to be in October following; at which, I plainly foresaw, that the King, my Master, would be forced to something in prejudice of his Alliance with France, which I saw so evidently, and particularly, that we should make Peace with Holland: that I weighed all the Arguments I could (which to me were Demonstrations) to convince our Court of that Mischiefe, and pressed what I could to persuade his Christian Majesty to use his utmost force to prevent that Sitting of our Parliament, and proposed Expedients how to do it: But I was answered so often, and so positively, that his Christian Majesty was so well assured by his Ambassadour here, our Ambassadour there, the Lord Arlington, and even the King himself, that he had no such Apprehensions at all, but was fully satisfied of the contrary, and lookt upon what I offered as a very zealous Mistake, that I was forced to give over arguing, though not believing as they did, but confidently appealed to time and success to prove who took their measures rightest. When it happened, that what I fore-saw came to pass, the good Father was a little surpris'd to see all the Great Mistake, and a little one in the right; and was pleas'd by Sir William Frogmorton to desire the continuance of my Correspondence, which I was mighty willing to comply with knowing the Interest of our King, and in a more particular manner, of my more immediate Master the Duke, and his most Christian Majesty, to be so inseparably united, that it was impossible to divide them without destroying them all.

Upon this I shew'd, That our Parliament, in the Circumstances it was managed by the temerous Counsels of our Ministers who then govern'd, could never be useful either to England, France, or the Catholick Religion; but that we should as certainly be forced from our Neutrality at their next Meeting, as we had been from our active Alliance with France the last: That a Peace in the circumstances we were in, was much more to be desired than the continuance of the War. That the Dissolution of our Parliament would certainly procure a Peace; for that the Confederates did more depend upon the Power they had in our Parliament, than upon any thing else in the World, and were more encouraged from thence to continue the War; so that if that were dissolved, their Measures would be all broken, and they consequently in a manner necessitated to a Peace.

The good Father, minding this Discourse somewhat more than the Court of France thought fit to do my former, urg'd it so home to the King, that his Majesty was pleas'd to give him Order to signify to his Royal Highness, my Master, That his Majesty was fully satisfied of his Royal Highness's good intention towards him, and that he esteem'd both their interests but one and the same; That my Lord Arlington, and the Parliament, were both to be lookt upon as very unuseful to their Interest; and that if his Royal Highness would endeavour to dissolve this Parliament, his Majesty would assist him with his Power and Purse to have such a new one as would be for their purpose. This and a great many more expressions of kindness and confidence, Father Ferriers was pleas'd to communicate to Sir William Frogmorton, and commanded them to send him to his Royal Highness, and withal to beg his Royal Highness to propose to his most Christian Majesty what he thought necessary for his own Concern, and the advantage of Religion, and his Majesty would certainly do all he could to advance both or either of them.

This Sir William Frogmorton sent to me by an Express, who left Paris, June 2. 1674. *Stylo novo.*

I no sooner had it, but I communicated it to his Royal Highness, to which his Royal Highness commanded me to answer, as I did on the 29th. of the same Month.

That

That his Royal Highness was very sensible of his most Christian Majesty's Friendship, and that he would labour to cultivate it with all the good Offices he was capable of doing for his Majesty : That he was fully convinced that their Interests were one : That my Lord *Arlington*, and the Parliament, were not only unuseful, but very dangerous, both to *England* and *France*, that therefore it was necessary that they should do all they could to dissolve it. And that his Royal Highness's opinion was, That if his most Christian Majesty would write his thoughts freely to the King of *England* upon this Subject, and make the same offer to his Majesty of his Purse to dissolve this, which he made to his Royal Highness to call another, he did believe it very possible for him to succeed, with the assistance we should be able to give him here ; and that if this Parliament were dissolved, there would be no great Difficulty of getting a new one, which would be more useful : The Constitution of our Parliament being such, that a new one can never hurt the Crown, nor an old one do it good.

His Royal Highness being pleas'd to own those Propositions, which were but only general, I thought it more reasonable to be more particular, and to come close to the Point :

That if we happened to agree, we might go the faster about the Work, and come to some issue before the time were two much spent.

I laid this for my Maxim, *The Dissolution of our Parliament would certainly procure a Peace*. Which Proposition was granted by every Body I conversed withal, even by Monsieur *Ravigny* himself, with whom I took liberty of discoursing so far, but durst not say any thing of the Intelligence I had with Father *Ferriers*.

Next, *That a Sum of Money certain, would certainly procure a Dissolution*. This some doubted, but I am sure I never did ; for I knew perfectly well, that the King had frequent Disputes with himself at that time, whether he should dissolve or continue them ; and he several times declared, that the Arguments were so strong on both sides, that he could not tell to which to encline ; but was carried at last to their continuance by this one Argument ; *If I try them once more, they may possibly give me Money ; If they do, I have gained my Point ; If they do not, I can dissolve them then, and be where I am now ; so that I have a possibility at least of getting Money for their continuance, against nothing on the other side*. But if we could have turned this Argument and said, *Sir, Their Dissolution will certainly procure you Money, when you have only a bare probability of getting any by their continuance ; and have shown how far that bare probability was from being a Foundation to build any reasonable hope upon, which I am sure his Christian Majesty was sensible enough of ; and how much 300000 l. Sterling certain (which was the Sum we proposed) was better than a bare Probability (without any reason to hope that that would ever come to pass) of having half so much more (which was the most he designed to ask) upon some vile, dishonourable Terms, and a thousand other Hazards, which we had great reason to be afraid of : If I say, we had had power to have so argued, I am most confidently assured we could have compassed it ; For Logick in our Court, built upon Money, has more powerful Charms than any other sort of Reason*.

But to secure his most Christian Majesty from any hazard as to this Point, I proposed that his Majesty should offer that Sum upon that Condition, and if the Condition were not performed, the Money should never be due ; if it were, and that a Peace would certainly follow thereupon, (which no body doubted) his Majesty would gain his end, and save all the vast expences of the next Campaign ; by which he could not hope to better his Condition, or to put himself into more advantageous Circumstances of Treating than he was then in ; but might probably be in a much worse, considering the mighty Oppositions he was like to meet with, and the uncertain Chances of War.

But admitting that his Majesty could maintain himself, by his great strength and conduct, in as good a condition to treat the next Year, as he was then in, which was as much as could then reasonably be hoped for, he should have saved by this Proposal as much as all the men he must needs lose, and all the charges he should be at in a year could be valued to amount to more than 300000 l. Sterling, and so much more, in case his condition should decay, or it should be worse than it was when this was made ; and the condition of his Royal Highness and the Catholick Religion here, which depends very much upon the Success of his most Christian Majesty, delivered from a great many Frights and real Hazards.

Father *Ferriers* seemed to be very sensible of the benefit which all Parties would gain by this Proposal ; but yet it was unfortunately delayed by the unhappy and tedious sickness which kept him so long from the King in *Franche Comte*, and made him so unable to wait upon his Majesty after he had returned to *Paris* ; but so soon as he could compass it, he was pleased to acquaint his Majesty with it, and did write to the Duke himself, and did me the Honour to write to me also, on the 15th. of September, 1674. and sent his Letters by Sir *William Frémorton*, who came express upon that Errand.

Mr. Coleman's two Letters to Monsieur le Chaise.

In those Letters he gave his Royal Highness fresh Assurances of his most Christian Majesty's Friendship, and of his Zeal and Readiness to comply with every thing his Royal Highness had or should think fit to propose in favour of Religion, or the business of the Money; and that he had commanded Monsieur *Ravigny*, as to the latter, to treat and deal with his Royal Highness, and to receive and observe his Orders and Directions; but desired that he might not at all be concerned as to the former, but that his Royal Highness would cause what Propositions he thinks fit to be made about Religion, to be offered either to Father *Ferriers*, or to Monsieur *Pomponne*.

These Letters came to us about the middle of our *September*, and his Royal Highness expected daily when Monsieur *Ravigny* should speak to him about the Subject of that Letter, but he took no Notice at all of any thing, till *September 29.* the Evening before the King and the Duke went to *Newmarket*, for a Fortnight; and then only said, That he had command from his Majesty to give his Royal Highness the most firm assurance imaginable of his Friendship, or something to that purpose, making his Royal Highness a general Complement, but made no mention of any particular Orders relating to the Subject of Father *Ferriers* Letter.

The Duke wondring at this Proceeding, and being obliged to stay good part of *October* at *Newmarket*, and soon after his coming back, hearing of the Death of Father *Ferriers*, he gave over all farther prosecuting of the former Project.

But I believe I saw Monsieur *Ravigny's* Policy all along, who was willing to save his Master's Money, upon an assurance we would do all we could, to stave off the Parliament, for our own sakes; that we would struggle as hard without Money as with it; and we having by this time upon our own Interests prevailed to get the Parliament *Prorogued* till the 13th. of *April*, he thought that the *Prorogation* being to a day so high in the Spring, would put the *Confederates* so much beyond their Measures, as that it might procure a Peace, and be as useful to *France* as a Dissolution.

Upon these Reasons, which I suppose he went upon, I had several Discourses with him, and did open my self so far to him as to say, that I could wish his Master would give us leave to offer 300000 *l.* to our Master for the Dissolution of the Parliament, and shew him that a Peace would most certainly follow a Dissolution, (which he agreed with me in,) and that we desired not the Money from his Master to excite our Wills, or to make us more industrious to use our utmost Power to procure a Dissolution, but to strengthen our Power and Credit with the King, and to render us more capable to succeed with his Majesty, as most certainly we should have done, had we been fortified with such an Argument.

To this Purpose I promised Monsieur *Pomponne* frequently, by Sir *William Frohmorton*, who returned from hence again into *France*, on the 16th. of *November*, the day our Parliament should have sat, but was *Prorogued*; Monsieur *Pomponne*, as I was informed by Sir *William*, did seem to approve the thing, but yet had two Objections against it.

1. That the Sum we proposed was great, and could very ill be spared by his Majesty in the Circumstances he was in.

To which we answered; That if by his expending that Sum he could procure a Dissolution of our Parliament, and thereby a Peace, which every body agreed would necessarily follow, his most Christian Majesty would save five or ten times a greater Sum, and so be a good Husband by his Expence; and if we did not procure a Dissolution, he should not be at that expence at all; for that we desired him only to promise upon that condition, which we were contented to be obliged to perform first.

The second Objection was, That the Duke did not move it, nor appear in it himself.

To which we answered, That he did not indeed to Monsieur *Pomponne*, because he had found so ill an effect of the Negotiation with Father *Ferriers*, when it came into Monsieur *Ravigny's* Hands, but he had concerned himself in it to Father *Ferriers*.

Yet I continued to prosecute and press the Dissolution of the Parliament, detesting all *Prorogations*, as only so much loss of time, and a means of strengthening all those who depended upon it in opposition to the Crown, the Interest of *France*, and the *Catholick Religion*, in the Opinion they had taken, that our King durst not part with his Parliament, apprehending another would be much worse.

2. That he could not live without a Parliament, therefore they must suddenly meet; and the longer he kept them off, the greater the Necessities would grow; and consequently their Power to compel him to do what they listed, would increase accordingly; and therefore if they could but maintain themselves a while, their day would certainly come in a short time, in which they should be able to work their Wills.

Such discourses as these kept the *Confederates* and our Malecontents in heart, and made them weather on the War in spite of all our *Prorogations*; and therefore I pressed, as I have said, a Dissolution until *February* last, when our Circumstances were so totally changed, that we were forced to change our Counsels too, and be as much for the Parliament's Sitting, as we were before against it. Our Change was this:

Before

Before that time the Lord *Arlington* was the only Minister in credit, who thought himself out of all danger of a Parliament, he having been accused before them and justified, and therefore was zealous for their sitting; and to encrease his Reputation with them, and to become a perfect Favourite, he set himself all he could to prosecute the *Catholick Religion*, and to oppose the *French*.

To shew his Zeal against the first, he revived some old dormant Orders, for prohibiting the *Roman Catholicks* to appear before the King, and put them in Execution at his first coming into the Office of Lord Chamberlain. And to make sure work against the second, as he thought, prevailed with the King to give him and the Earl of *Ossey*, who married two Sisters of *Myn Heer Odyke's*, leave to go over into *Holland* with the said *Heer*, to make a Visit, as they pretended, to their Relations, but indeed, and in truth, to propose the Lady *Mary*, Eldest Daughter to his Royal Highness, as a Match for the Prince of *Orange*, not only without the consent, but against the good liking of his Royal Highness; insomuch as the Lord *Arlington's* Creatures were forced to excuse him with a Distinction, that the said Lady was not to be lookt upon as the Duke's Daughter, but as the King's, and a Child of the State; and so the Duke's Consent not to be much considered in the disposal of her, but the Interest only of State; by this he intended to render himself the Darling of the Parliament and Protestants, who would look on themselves as secured in their Religion by such an Alliance, and designed farther by that means to draw us into a close Conjunction with *Holland*, and Enemies of *France*.

The Lord *Arlington* set forward upon his Errand November the 10th. 1674. and returned not till January 6th following. During his Absence, the Lord Treasurer, Lord Keeper, and Duke of *Lauderdale*, were the only Ministers in any considerable credit with the King, and who all pretended to be entirely united to the Duke, declared loudly, and with great Violence, against the said Lord, and his Actions in *Holland*, and did hope in his absence, to have totally supplanted him, and routed him out of the King's favour; and after that they thought they might easily enough have dealt with the Parliament; but none of them had Courage enough to speak against the Parliament, till they could get rid of him, for fear they should not succeed, but that the Parliament should sit in spite of them, and come to hear that they had used their endeavours against it, which would have been so unpardonable a Crime with our omnipotent Parliament, that no Power would have been able to have saved them from Punishment.

But they finding, at his Return, that they could not prevail against him by such means and arts as they had then tried, resolved upon new Counsels, which were to out-run him in his own course; which accordingly they undertook, and became as fierce Apostles, and as zealous for *Protestant Religion*, and against *Papery*, as ever my Lord *Arlington* was before them; and in pursuance thereof, perswaded the King to issue out those severe Orders and Proclamations against *Catholicks*, which came out in February last, by which they did as much as in them lay to extirpate all *Catholicks*, and *Catholick Religion* out of the Kingdom.

Which Counsels were in my opinion so detestable, being levell'd (as they must needs be) so directly against the Duke by People that he had advanced, and who had professed so much duty and service to him, that we were put upon new thoughts how to save his Royal Highness from the deceits and snares of them upon whom formerly we depended; we saw well enough that their design was to make themselves as grateful as they could to the Parliament, (if they must sit,) they thinking nothing to be so acceptable to them as the persecuting of *Papery*; but yet they were so obnoxious to the Parliament's displeasure in general, that they would have been very glad of any expedient to keep it off, though they durst not engage against it openly themselves; but thought this device of theirs might serve to that purpose, hoping that the Duke would be so alarm'd at their Proceedings, and by his being left by every body, that he would be much more afraid of the Parliament than ever, and use his utmost power to prevent its sitting; which they doubted not but he would endeavour, and they were ready enough to work underhand with him for their own sakes, not his, in order thereunto, but durst not appear openly: And to encourage the Duke the more to dissolve the Parliament, their Creatures used to say up and down, That these vigorous proceedings against the *Catholicks* was in favour of the Duke, and so make the Dissolution of the Parliament more easie, which they knew he coveted, by obviating one great Objection which was commonly made against it, which was, That if the Parliament should be dissolved, it would be said it was done in favour of *Papery*, which Clamour they prevented by the severity which they had shewn against it before hand.

As soon as we saw these tricks put upon us, we plainly saw what Men we had to deal with, and what we had to trust to, if we were wholly at their mercy, but yet durst not seem so dissatisfied as we really were, but rather magnified the contrivance, as advice of great cunning and skill.

All this we did purely to hold them in a belief, that we would endeavour to dissolve the Parliament, that they might rely upon his Royal Highness for that, which we knew they longed for, and were afraid they might do some other way, if they discover that we were resolved we would not.

At length, when we saw the Sessions secured, we declared we were for the Parliament's meeting, as indeed we were from the moment we saw our selves used by all the King's Ministers at such a rate, that we had reason to believe they would sacrifice *France*, *Religion*, and his *Royal Highness* too, to their own Interests, if occasion served, and that they were led to believe that that was the only way they had to save themselves at that time; for we saw no expedient for to stop them in their Carriers of Persecution, and those other destructive Counsels, but the Parliament, which had set it self a long time to dislike every thing the Ministers had done, and had appeared violently against *Papery*, whilst the Court seemed to favour it; and therefore we were confident that the Ministers having turned their Faces, the Parliament would do so too, and still be against them, and be as little for *Persecution* then, as they had been for *Papery* before.

This I undertook to manage for the Duke, and for the King of *France's* Interest, and assured Monsieur *Ravigny*; (which I am sure he will testify, if occasion served,) That that Sessions should do neither of them any hurt; for that I was sure I had Power enough to prevent Mischief, though I durst not answer for any good they should do, because I had but very few assistants to carry on the Work, and wanted those helps which others had of making Friends.

The *Dutch* and *Spaniards* spared no Pains, nor Expence of Moneys, to animate as many as they could against *France*.

Our Lord Keeper, Lord Treasurer, and all the Bishops, and such as call themselves *Old Cavaliers*, who were all then as one Man, were not less industrious against *Papery*, and had the Purse at their Girdle too, which is an excellent Instrument to gain Friends with, and all united against the Duke, as Patron, both of *France*, and of the *Catholic Religion*.

To deal with all this Force, we had no Money, but what came from a few private Hands, and those so mean ones too, that I dare presume to say, that I spent more my particular self out of my own Fortune, and upon my single Credit, than the whole Body of the *Catholics* in *England* besides; which was so inconsiderable, in comparison of what our Adversaries could command, and we verily believe did bestow, in making their Party, that it is not worth mentioning.

Yet, notwithstanding all this, we saw that by the help of the *Nonconformists*, as *Presbyterians*, *Independents*, and other Sects, who were as much afraid of Persecution as our selves, and of the Enemies of the Ministers, particularly the Treasurer, who by that time had supplanted the Earl of *Arlington*, and was grown sole Manager of Affairs himself, we should be able to prevent what they designed against us, and so render the Sessions ineffectual to their ends, though we might not be able to compass our own; which were to make some brisk step in favour of his Royal Highness, to shew the King that his Majesty's Affairs in Parliament were not obstructed by reason of any aversion they had to his Royal Highness's Person, or Apprehension they had of him or his Religion, but from Faction and Ambition in some, and from a real Dissatisfaction in others, that we have not had such fruits and effects of those great Sums of Money, which have formerly been given, as they expected.

If we could have made then but one such step, the King would certainly have restored his Royal Highness to all his Commissions, upon which he would have been much greater than ever yet he was in his whole life, or could probably ever have been by any other course in the World, than what he had taken, of becoming *Catholic*, &c.

And we were so very near gaining this Point, that I did humbly beg his Royal Highness to give me leave to put the Parliament upon making an Address to the King, That his Majesty would be pleased to put the Fleet into the Hands of his Royal Highness, as the only Person likely to give a good Account of so important a Charge as that was to the Kingdom; and shewed his Royal Highness such Reasons to perswade him that we could carry it, that he agreed with me in it, that he believed we could; yet others telling him how great a damage it would be to him if he should mis in such an undertaking (which for my part I could not then see, nor do I yet,) he was prevailed upon not to venture, though he was perswaded he could carry it.

I did communicate this Design of mine to Monsieur *Ravigny*, who agreed with me, that it would be the greatest Advantage to his Master imaginable, to have the Duke's Power and Credit so advanced, as this would certainly do it, if we could compass it: I shew'd him all the Difficulties we were like to meet with, and what helps we should have; but that we should want one very material one, Money to carry on the Work as we ought: And therefore I do confess, I did shamefully beg his Master's help, and would willingly have been content to have been in everlasting disgrace with all the World, if I had not with the assistance of 20000 *l.* Sterling from him (which perhaps is not the tenth

part of what was spent on the other side) made it evident to the Duke, that he could not have missed it.

Monsieur Ravigny used to tell me; That if he could be sure of succeeding in that Design, his Master would give a very much larger Sum; but that he was not in a Condition to throw away Money upon uncertainties.

I answered, That nothing of this nature can be so infallibly sure, as not to be subject to some possibility of failing; but that I durst venture to undertake to make it evident, that there was as great an assurance of succeeding in it, as any Husband-man can have of a Crop in Harvest, who sows his Ground in its Season; and yet it would be accounted a very imprudent piece of wariness in any Body, to scruple the venturing of so much Seed in its proper time, because it is possible it may be totally lost, and no benefit of it in Harvest: He that minds the Winds, and the Rains at that rate, shall neither sow nor reap.

I take our Case to be much the same now as it was the last Session, if we advance the Duke's Interest one step forwards, we shall put him out of the reach of all Chances for ever; for he makes such a Figure already, that cautious Men do not care to act against him, or always without him, because they do not see he is much overpowered by his Enemies: Yet he is not at such a pitch as to be quite out of danger, or free from opposition; but if he could gain any considerable new addition of Power, all would come over to him as the only Centre of our Government, and no Body could contend with him farther: Then would Catholics be at ease, and His Most Christian Majesty's Interest secured with us in England, beyond all Apprehensions whatsoever.

In order to this, we have two great Designs to attempt this next Session.

First, That which we were about before, viz. To put the Parliament upon making their humble Request to the King, that the next day be put into his Royal Highness's Care. And, Secondly, To get an Act for General Liberty of Conscience.

If we carry these two, or either of them, we shall in effect do what we list afterwards: And truly we think we do not undertake these great Points very unreasonably, for that we have good Cards for our Game; not but that we expect great opposition, and we have reason to beg all the assistance we can possibly get; and therefore if His Most Christian Majesty would stand by us a little in this Conjunction, and help us with such a Sum as 20000 l. Sterling, which is no great Matter to venture upon such an Undertaking as this, I would be content to be sacrificed to the utmost Malice of mine Enemies, if I did not succeed.

I have proposed this several times to Monsieur Ravigny, who seems always of my Opinion, and has often told me, *That he had writ to France on this Subject*; and has desired me to do the like; but I know not whether he will be as zealous in this Point as a Catholic would be, because our prevailing in these things will give the greatest blow to the Protestant Religion here, that ever it received since its Birth; which perhaps he would not be very glad to see, especially when he believes that there is another way of doing His Majesty's business well enough without it, which is by a Dissolution of the Parliament, which I know he mightily depends upon; and concludes, that if that comes to be dissolved, it will be as much as he need care for, proceeding, perhaps upon the same manner of Discourse which he did this time Twelve-month: But, with submission to his better Judgment, I do think that our case is extremely much altered from what it was then in relation to a Dissolution; for then the Body of our governing Ministers (all but the Earl of Arlington) were entirely united to the Duke, and would have governed his way, had they been free from all fears and controul, as they had been, if the Parliament had been removed; but they have since that time engaged in quite different Councils, and embarked themselves and Interests upon other bottoms, having declared themselves against Popery; and to dissolve the Parliament simply, and without any other step made, will be to leave them to govern what way they list, which we have reason to suspect will be to the prejudice of France and Catholics; because their late Declarations and Actions have demonstrated to us, that they take that for the most popular way for themselves, and the likeliest to keep them in absolute Power; whereas should the Duke get above them, after the trick they have shewed him, they are not sure he will totally forget the usage he has had at their hands: Therefore it imports us now to advance our Interest a little farther, by some such Project as I have named, before we dissolve the Parliament, or else perhaps we shall but change Masters, a Parliament for Ministers, and continue still in the same slavery and bondage as before; but one such step as I have proposed well made, we may safely see them dissolved, and not fear the Ministers, but shall be established and stand firm without any opposition: For every body then will come over to us, and worship the Rising Sun.

I have here given you the History of Three Years as short as I could, tho' I am afraid it will seem very long and troublesome to your Reverence, amongst the multitude of Affairs you are engaged in. I have also shewn you the present State of our Case, which
may

may by God's Providence, and good Conduct, be made of such advantage to God's Church, that for my part I can scarce believe my self awake, or the thing real, when I think of a Prince in such an Age as we live in converted to such a degree of Zeal and Piety, as not to regard any thing in the World in comparison of God Almighty's Glory, the Salvation of his own Soul, and the Conversion of our poor Kingdom, which has a long time been oppress'd, and miserably harass'd by Heresie and Schism.

I doubt not but your Reverence will consider our Case, take it to heart, and afford us what help you can, both with the King of Heaven, by your holy Prayers, and with His Most Christian Majesty, by that great credit which you most justly have with him. And if ever His Majesty's Affairs, or your own, can ever want the Service of so inconsiderable a Creature as my self, you shall never find any body readier to obey your Commands, or faithfuller in the execution of them, in the best of his power, than

Your most humble, and

September 29, 1675.

most obedient Servant

THE
ANSWER
FROM
Monsieur LE CHAISE to Mr. COLEMAN,
From PARIS, 29d of October, 1675.

SIR,

THE Letter which you gave your self the trouble to write to me, came to my hands but the last Night, I received it with great satisfaction, and I assure you that its length did not make it seem tedious; I shall be glad on my part to assist in seconding your good Intentions; I will consider of the means to effect it; and when I am better informed than I am as yet, I will give you an account, to that end I may hold Intelligence with you, as you did with my Predecessour. Sir, I desire you to believe that I will never fail as to good will, for the service of your Master, whom I honour as much as he deserves; and that it is with great truth that I am,

Your most humble, and

most obedient Servant,

D. L. C.

THE

THE SECOND LETTER

O F

Mr. Coleman to the French King's Confessor,
MONSIEUR LE CHAISE.

I Sent your Reverence a tedious Letter on our 29th. of September, to inform you of the progress of our Affairs for these two or three last Years; I have now again the opportunity of a very sure hand to convey this by, I have sent you a *Cypher*, because our Parliament now drawing on, I may possibly have occasion to send you something which *You may be willing enough to know, and may be necessary for us that you should*, when I may want the conveniency of a Messenger. When any thing occurs of more concern than other, which may not be fit to be trusted to a *Cypher* alone, I will, to make such a thing more secure, write in *Lemon* between the Lines of a Letter, which shall have nothing in it visible but what I care not who sees, but dried by a warm fire, shall discover what is written; so that if the Letter comes to your hands, and upon drying of it any thing appears more than did before, you may be sure no body has seen it by the way.

I will not trouble you with that way of writing but upon special occasions, and then I will give you a hint to direct you to look for it, by concluding my visible Letter with something of *fire or burning*, by which mark you may please to know that there's something underneath, and how my Letter is to be used to find it out.

We have here a mighty Work upon our hands, no less than *The Conversion of three Kingdoms, and by that perhaps the subduing a pestilent Heresie, which has domineer'd over part of this Northern World a long time*. There was never such hopes of Success since the Death of our Q. MARY, as now in our days, when God has given us a PRINCE who is become (may I say by Miracle) *Zealous of being the Author and Instrument of so glorious a Work*: But the Opposition we are sure to meet with, is also like to be great: So that it imports us to get all the Aid and Assistance, *For the Harvest is great, and the Labourers are few*.

That which we rely upon most, next to God Almighty's Providence, and the Fervour of my Master the Duke, is the mighty mind of his *Christian Majesty*, whose generous Soul inclines him to great undertakings, which being managed by your Reverence's exemplary Piety and Prudence, will certainly make him look upon this, as most suitable to himself, and best becoming his power and thoughts; so that I hope you will pardon me, if I be troublesome too upon this occasion, from whom we expect the greatest help we can hope for.

I confess I think his *Christian Majesty's* temporal Interest is so much attracted to that of his R. H. which can never be considerable but upon the advancement of the *Catholic Religion*, that his Ministers cannot give him better Advice, even in a politick sense abstracted from the considerations of the next Word, than that of our dear Lord, *To seek first the Kingdom of Heaven, and the Righteousness thereof, that all other things may be added*.

Yet I know his most *Christian Majesty* has more powerful motives suggested to him by his own Devotion, and your Reverence's Zeal for God's Glory, to engage himself to afford us the best help he can in our present Circumstances: But we are a little unhappy in this, That we cannot press his Majesty's present Minister here, upon these latter Arguments, which are most strong, but only upon the first; Monsieur *Ravigny's* sense and ours differing very much upon these, though we agree perfectly upon the rest; And indeed though he be a very able Man, as to his Majesty's Service, in things where Religion is not concern'd, yet I do believe it were much more happy, considering the Post he is in, that his temper were of such a sort that we might deal clearly with him throughout, and not be forced to stop short in a Discourse of Consequence, and leave the most material part out, because we know it will shake his particular Opinion, and so perhaps meet with dislike and opposition, though never so necessary to the main Concern.

P p

I am

Mr. Coleman's two Letters to Monsieur le Chaise.

I am afraid we shall find too much reason for this Complaint this next Session of Parliament; for had we one here for his Christian Majesty, who had taken the whole Business to heart, and who would have represented the state of our Cause truly as it is to his Master, I do not doubt but his Christian Majesty would have engaged himself farther in the Affair, than at present I fear he has done, and by his Approbation have given such Counsels (as have been offered his R. H. by those few Catholics who have access to him, and are bent to serve him, and advance the Catholick Religion with all their might) more credit with his R. H. than I fear they have found; and have assisted him also with his Purse as far as 100000 Crowns, or some such Sum; (which to him is very inconsiderable but would have been to them of greater use than can be imagined,) towards gaining others to help him, or at least not to oppose him; if we had been so happy as to have had his most Christian Majesty with us to this Degree, I would have answered with my life for such success this Session, as would have put the Interest of the Catholick Religion in his R. H. and his most Christian Majesty, out of all danger for the time to come.

But wanting those hopes of recommending those necessary Counsels which have been given his Royal Highness in such a manner as to make him think them worthy of his accepting, and fit to govern himself by, and of those Advantages which a little Money well managed would certainly have gained us, I am afraid we shall not be much better at the end of this Session than we are now: I pray God we do not lose ground. By my next, which shall be ere long, I shall be able to tell your Reverence more particularly what we are like to expect: In the mean time I most humbly beg your holy Prayers for all our undertakings; and that you would please to honour me so far, as to esteem me, which I am, entirely, and without any reserve,

Sir, Most Reverend Father,

Your Reverence's most humble

and most obedient Servant.

A Copy

A Copy of his R. H. his Letter to Le Chaife, about the time Mr. Coleman wrote his long Letter. 1675.

THE 2d. of June, last past, his most Christian Majesty offered me most generously his Friendship, and the use of his Purse to assistance against the Designs of my Enemies and his, and protested unto me, That his Interest and mine were so clearly linked together, that those that opposed the one, should be looked upon as Enemies to the other; and told me moreover his opinion of my Lord Arlington and the Parliament; which is, *That he is of the opinion that neither the one nor the other is in his Interest or mine*; and thereupon he desired me to make such Propositions as I should think fit in this Conjunction.

All was transacted by the means of Father Ferriers, who made use of Sir William Frogmorton, who is an honest Man, and of such who was then at Paris, and hath held Correspondence with Coleman, one of my Family, in whom I have great Confidence.

I was much satisfied to see his most Christian Majesty altogether of my opinion, so I made him Answer the 29th. of June, by the same means he had made use of to write to me, that is, by Coleman, who addrest himself to Father Ferriers, (by the forementioned Knight) and entirely agreed to his most Christian Majesty, as well to what had respect to the union of our Interests, as the usefulness of my Lord Arlington and the Parliament, in order to the Service of the King my Brother, and his most Christian Majesty; and that it was necessary to make use of our joynt and utmost Credits to prevent the success of those evil Designs resolved on by the Lord Arlington and the Parliament, against his most Christian Majesty and my self; which of my self I promise really to perform, of which since that time, I have given reasonable good proof.

Moreover I made some Proposals, which I thought necessary to bring to pass, what we were obliged to undertake, assuring him that nothing could so firmly establish our Interest with the King my Brother, as that very same offer of the help of his Purse; by which means, I had much reason to hope I should be enabled to perswade to the Dissolving of the Parliament, and to make void the Designs of my Lord Arlington, who works incessantly to advance the Interest of the Prince of Orange, and the Hollanders, and to lessen that of the King your Master, notwithstanding all the Protections he hath made to this Hour, to render him Service.

But as that which was proposed was at a stand, by reason of the Sicknes of Father Ferriers, so our Affairs succeeded not according to our Designs, only Father Ferriers wrote to me, the 15th. of the last Month, *That he had communicated those Propositions to his most Christian Majesty, and that they had been very well liked of; but as they contained things that had regard to the Catholick Religion, and to the offer and use of his Purse, he gave me to understand he did not desire I should treat with Monsieur Ravigny upon the first, but as to the last, and had the same time acquainted me, that Monsieur Ravigny, had order to grant me whatsoever the conjuncture of our Affairs did require; and have expected the effects of it to this very hour, but nothing being done in it, and seeing on the other hand that my Lord Arlington, and several others, endeavoured by a thousand deceits to break the good Intelligence which is between the King my Brother, his most Christian Majesty, and my Self, to the end they might deceive us all three, I have thought fit to advertise you of all that is past, and desire of you your Assistance and Friendship, to prevent the Rogueries of those who have no other design than to betray the Concerns of France and England also, and who, by their pretended Service, are the occasion they succeed not.*

As to any thing more, I refer you to Sir William Frogmorton and Coleman, who I have commanded to give an account of the whole state of our Affairs, and of the true Condition of England, with many others, and principally my Lord Arlington's Endeavours to represent to you quite otherwise than it is.

The two first I mentioned to you are firm to my Interest so that you may treat with them without any Apprehension.

THE

THE
CHARACTER
 OF A
Popish Successour,
 AND

What ENGLAND may expect from such a One.

HUMBLY

Offered to the Consideration of both Houses
 of Parliament, appointed to Meet at *Oxford*, on the One and
 Twentieth of *March*, 1682.

First Printed in the Year, 1681.

IT has been my Fortune to be a *Subject* and a *Native* of that part of the *World*, where almost Three Years last past I have scarce heard any thing, but the continual Noise of *Popery* and *Plots*, with all the clamorous Fears of a jealous *Kingdom* about my Ears. And truly, I must plainly confess, I am not so ill a *Commonwealths-man*, but that I am glad to see my Country-men disturb'd in a Cause, where *Religion*, *Liberty*, and *Property* are at stake. If their Jealousies are just, and their Fears prophetick, in God's Name let them talk. Every good Man ought to be so far from silencing any reasonable Murmurs, that 'tis rather his Duty to bear a part so in a Choice universal. And if we see the Great and Wise Men of our Nation, like true *English* Patriots, struggling and toyling to prevent our threatening Calamities, let us take delight to behold them restless and uneasy, rolling about our troubled Sea, like *Porpoises* against a Tempest, to forewarn us of an approaching Destruction.

But amidst our evident Danger, we see another sort of People daily flattering and deluding us into a false and fatal Security. And sure none are so little our Friends, or indeed so void even of Humanity itself, as those who would lull us asleep when Ruine is in view. But since Zeal and Hypocrisie, naked Truth and artificial Falshood, have oftentimes alike Faces, I cannot but think it the Duty both of a *Christian* and an *English-man*, to unravel the Treachery of those false Arguments which they raise to destroy us.

As first, they say, *Why should we stand in fear of Popery, when, in the present Temper of England, 'tis impossible for any Successour whatever to introduce it?*

And next, amidst our groundless Fears, (say they) Let us consider what that Prince is that appears so dreadful a Gorgon to England: A Prince that on all accounts has so signally ventur'd his Life for his King and Country: A Heroe of that faithful and matchless Courage and Loyalty: A Prince of that unshaken Honour and Resolution, that his Word has ever been known to be his Oracle, and his Friendship a Bulwark, where-ever he vouchsafes to place it; with such an infinite Mass of all the Bravery and Gallantry that can adorn a Prince. *Why! Must the change of his Religion destroy his Humanity, or the advance to a Crown render his Word or Honour less sacred, or make him a Tyrant to that very People whom he has so often and cheerfully defended? Why! May there not be a Popish King with all these Accomplishment*

plishments, that whatever his own private Devotions shall be, yet shall publicly maintain the Protestant Worship, with all the present Constitution of Government unalter'd.

Yes, now I say something ! If this *Rara avis in terris* can be found, then England were in a happy Condition. But, alas ! what signifie all the great past Actions of a Prince's Life, when Popery at last has got the Ascendent ? All Vertues must truckle to Religion ; and how little an Impression will all his recorded Glories leave behind them, when Rome has once stamp't him her Profelyte ?

But since unlikely things may come to pass, let us seriously examine how far the Notion of such a Popish Successour consits with Reason, or indeed has the least shadow of possibility.

If to maintain and defend our Religion be any more than a Name, it is impossible for any Man to act the true Defensive Part, without the Offensive too : And he that would effectually uphold the Protestant Worship, Peace, and Interest, is bound to suppress all those potent and dangerous Enemies that would destroy 'em ; for all other Defence is but Disguise and Counterfeit.

If then the Wisdom of several successive Monarchs, with a whole Nation's unanimous Prudence, and indefatigable Care for the Protestant Preservation, has determin'd, That those Popish Priests who have sworn Fealty to the See of Rome, and taken Orders in Foreign Seminaries, are the greatest Seducers of the King's Liege People, and the most notorious Incendiaries and Subverters of the Protestant Christianity and Loyalty ; and for that Cause their several Laws declared them Traitors ; by consequence these are the potent and dangerous Enemies, which, in Defence of the Protestant Cause, this Popish King is oblig'd to suppress and punish, and these the very Laws he is bound to execute.

And though perhaps, till the Discovery of the late Plot, for several Ages we have not seen that Severity inflict'd on Popish Priests, as the Laws against them acquire ; and why ? because the flourishing Tranquility of the English Church under this King and his Father's Reign, render them so inconsiderable an Adversary, that the natural tenderness of the Protestant People of England, not delighting in Blood, did not think it worth their while either to detect or prosecute 'em ; and therefore has not made them the common Mark of Justice.

But under the Reign of an English Papist, when the Fraternity of their Religion shall encourage the Pope to make his working Emissaries ten times more numerous ; when, if not the hope of publick Patronage, yet at least their confidence of private Indulgence, Connivance and Mercy, emboldens the Massive Obedience of his Jesuitical Instruments, whilst the very Name of a Popish Monarch has the Influence of the Sun in Egypt, and daily warms our Mud into Monsters, till they are become our most threatening and most formidable Enemies. And if ever the Protestant Religion wanted a Defender, 'tis then. If the Word Honour, or Coronation-Oath of a King be more than a Name, 'tis then or never he is oblig'd to uphold the Protestant Interest, and actually suppress its most apparent and most notorious Enemies.

Well then, for Argument sake, by the virtue of a strong Faith (a Faith so strong as may remove Mountains) let us suppose we have such a Roman Catholick King, as shall discountenance Pope and Popery, cherish Protestantism, and effectually deter and punish all those that shall endeavour to undermine and supplant it ; and then let us examine what this King, thus qualified, must do.

First then, in continuing the Ecclesiastick Jurisdiction, Honours, and Preferments, in the Hands of the Protestant Clergy, he must confer his Favours and Smiles, on those very Men, whom (by the Fundamentals of his own uncharitable Perswasion, which dooms all that die out of the Bosom of the Romish Church to a certain State of Damnation) he cordially believes do Preach and Teach, and lead his Subjects in the direct way to Hell : And next, at the same time he must not only punish and persecute, but perhaps imprison and hang those very only Righteous Men, whom from the bottom of his Soul he believes can only open them the Gates of Paradise ; whilst in so doing he cannot but accuse himself of copying the old Jewish Cruelty : Nay, in one respect he out-goes their Crime ; for he acts that knowingly which they committed ignorantly ; For, by the Dictates of his Religion he must be convinc'd that in effect he does little less than save a Barabbas, and crucifie a Jesus.

A very pretty Chimera ! Which is as much as to make this Popish King the greatest Barbarian in the Creation ; a Barbarian that shall cherish and maintain the Dissenters from Truth, and punish and condemn the Pillars of Christianity, and Profelytes of Heaven ; which is no other than to speak him the basest of Men, and little less than a Monster : Besides, at the same time that we suppose that King dares not uphold nor encourage his own Religion, we render him the most deplorable of Cowards ; a Coward so abject that he dares not be a Champion even for his God. And how consistent this is with the Glory of a Crown'd Head, and what hope England has of such a Successour, I leave all Men of Sense to judge.

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Besides, What mis-match'd, incongruous Ingredients must go to make up this Composition of a King ! His Hand and Heart must be of no kin to one Another : He must be so inhumane to those very darling *Jesuites*, that like *Mahomet's* Pigeon infus'd and whisper'd all his heavenly dreams into his Ears, that he must not only clip their wings, but fairly cage 'em too, even for the charming Oracles they breath'd him : And at the same minute he must leave the wide and open Air to those very Ravens that daily creak Abhorrence and Confusion to them, and all their holy Dreams, and their false Oracles. Thus whilst he acts quite contrary to all his Inclinations, against the whole bent of his Soul, What does he but publickly put in force those Laws for the Protestant Service till in fine, for his Nations Peace, he ruins his own, and is a whole Scene of War within himself ? Whilst his Conscience accusing his Sloth of one side, the Pope on the other, *Rome's* continual Bulls bellowing against him, as an undutiful, unactive, Son of Holy Mother Church, a Scandal to her Glory, a Traitor to her Interest, and a Deserter of her Cause ; one day accusing the Lukewarmness of his Religion, another the Puffblowniness of his Nature ; all *Roman Catholick Princes* deriding the feebleness of his Spirit, and the tameness of his Arm : Till at long run, to spare a Faggot in *Smithfield*, he does little less than walk on hot Irons himself. Thus all the Pleasure he relishes on a Throne is but a kind of *Good-Friday's* Entertainment. Instead of a Royal Festival, his rioting in all the Luxury of his Heart, to see *Rome's* Dragon worshipp'd, *Rome's* Altars smoke, *Rome's* Standard set up, *Rome's* Enemies defeated, and his victorious Mother Church triumphant ; his abject and poor spirited Submission denies himself the only thing he thirsts for : And whilst the Principles he sucks from *Rome* do, in effect, in the Prophet's words bid him, *Rise, slay and eat*, his Fear, his unkingly, nay unmanly Fear, makes him fast and starve.

However, if there be such a King in Nature, as will not defend his own Religion, because he dares not, but sneaks upon a Throne, and in obedience to his Fear shrinks from the Dictates of his Conscience, and the Service of his God : If, like *Jupiter's* Log, such a King can be, and Fate has ordain'd us for a Popish Prince, pray Heaven shrowd the Imperial Lion in this innocent Lamb-skin. But I am afraid we shall scarce be so happy, and I shrewdly suspect, that all those cunning *Catholick* Trumpeters, who in all Companies sound the Innocence of a *Popish Successour*, and flatter us with such a hopeful, harmless, peaceful Prince in a *Popish*, have a little of the *Romish* mental Reservation in the Promises they make us, and no small *Jesuitical* Equivocation in the Airy Castles they build us.

But I have heard some say, *Why, may there not be a zealous Prince of any Religion, who still out of the mere Principles of Morality, shall have that tenderness and sense of his Peoples Peace, as to trouble himself about Religion no farther than concerns his own salvation ; and therefore continue the Administration of Laws and Devotion in the same Channel he found them ?*

And all this his mere Morality shall do ! Alas ! alas ! If he's a Bigot in Religion, all his Morals are Slaves to his Zeal. Nay, grant him to be the most absolute Master of all the *Cardinal Vertues*, there's not one of them that shall not be a particular Instrument for our Destruction. As for Example, allow him *Fortitude*, suppose him a Prince of matchless Courage : So much the worse ; What does that but make him the more daring, and more adventurous, in pushing on the Cause of *Rome*, and with a more undaunted and manly Patience bear all Oppositions he meets in the way ? If he be a Man of *Justice* that still makes for *Rome* : For whilst he believes the Pope to be *Christ's* Lawful Vicar, and that that Office includes the Ecclesiastical Supremacy, no doubt but he'll think it as much the Duty of his Christianity to give the Pope his Right, as to take his own : And in *Christ's* own Words, that *give unto Caesar the things that are Caesar's, and unto God those things that are God's*, he'll certainly judge the Pope's Restauration as great a piece of Justice as his own Coronation. Then if he be a Master of *Temperance*, in the properest sense of this Moral Vertue, viz. a Man that can govern his Passions, that's still as bad : For he that has the most bridled Passions, has always the firmest and steddiest Resolutions. Who so renowned for Constancy, so fixt in his Resolves, and so unalterable in his determin'd Purposes, as that *Philip of Spain*, who was never heard to rage, or scarce seen to frown ? Nay, History gives this Character of him, That after the discovery of his Queen's Adultery with his own Son, at the same minute that he order'd her a Bowl of Poison, he did not so much as change his Look, or Voice, either to his treacherous Son, or his incestuous Wife. And what so fit a Pillar for *Popery*, as such Constancy in a King ? But if we take *Temperance* in its larger Signification, viz. the Self-denial of a Man's Worldly Appetites ; still worse and worse : For a riotous luxurious Monarch bounds his Ambition wholly in the Pleasures of a Crown, resigns his Reigns to his Chariotiers, and leaves the Toil of Power to his subordinate Magistrates, like the work of Fate to Second Causes, whilst his Intemperance so slackens his Zeal, that it unbends those very Nerves, which otherwise might be more strenuously wound up for our Destruction.

And

And lastly, If he has *Prudence*, that's worst of all. That's his only winning Card; the only leading Vertue that manages his Policies and Conduct with that Care and Art, till he effects that Business of *Rome* and ripens that mighty Work to a Perfection, which otherwise an overforward fool-hardy Zeal, by ill Management, might destroy.

Thus his very Cardinal Vertues are the absolute Hinges that open the Gates to *Rome*. Alas! where Superstition rules the Day, all moral Vertues are but those lesser Lights that take their Illumination from that greater Orb above them. And thus, what boots it, in a Popish Heir, to say, he's the truest Friend, the greatest of Heroes, the best of Masters, the justest Judge, or the honestest of Men? All mere treacherous Quicklands for a People to repose the least glympse of Safety in, or build the least hopes upon.

But I have heard a great Many say, *It cannot enter into their Thoughts, that a Popish Successor will ever take such an inhumane and so unnatural a Course to establish Popery, it being so absolutely against the English Constitution, that it can never be introduced with less than a Deluge of Blood.* Surely his very Glory should withhold him from so much Cruelty, considering how much more it would be for his immortal Honour, to have the universal Prayers than the Curses of a Nation. And one would think a King would so much more endeavour to win the Hearts, than the Hatred of his People, that certainly in all probability this excentrick Motion, this disjoynting the whole Harmony of a World, should be so ungrateful to him, that no Religion whatever should put such a thought into his Head.

And all this his Glory shall do? His Glory! The Glory of a *Papist*! A pretty Airy Notion. How shall we ever expect that Glory shall steer the Actions of a Popish Successour, when there is not that thing so abject that he shall refuse to do, or that Shape or Hypocrisy so scandalous he shall not assume, when *Rome* or *Rome's* Interest shall command; Nay, when his own petulant Stubborness shall but sway him? As for Example; For one fit he shall come to the Protestant Church, and be a Member of their Communion, notwithstanding at the same time his Face belies his Heart, and in his Soul he is a *Romanist*: Nay, he shall vary his Disguises as often as an *Algerine* his Colours, and change his Flag to conceal the Pyrate: As for instance; Another fit, for whole years together, he shall come neither to one Church nor the other, and participate of neither Communion, till ignobly he plays the unprincipely, nay, the unmanly Hypocrite so long, that he shelters himself under the Face of an *Archeist*, to shrowd a *Papist*; a Vizor more fit for a *Banditto*, than a Prince. And this methinks is so wretched, and so despicable a Disguise, that it looks like being alham'd of his God.

Besides, If Glory could have any Ascendant over a Popish Successour, one would think the Word of a King, and the solemn Protestations of Majesty, ought to be Sacred and Inviolable. But how many Precedents have we in Popish Princes to convince us, their strongest Engagements and Promises are lighter than the very Breath that utters them: As for Example's sake; How did their Saint *Mary* of England promise the *Norfolk* and *Suffolk* Inhabitants the unmolested continuation of the Protestant Worship, calling her God (that God that saw the falseness of her Heart) to witness, *That though her own Perswasion was of the Romish Faith, yet she would content her self with the private Exercise of her own Devotion, and preserve the then Protestant Government, with all her Subjects Rights and Priviledges, uninjur'd.* Upon which those poor, credulous, honest, deluded Believers, on the security of such prevalent Conjurations, led by the mistaken Reverence they paid to a protesting Majesty, laid their Lives at her Feet, and were the very men that in that Contest of the Succession plac'd her on a Throne: But immediately, when her Sovereign Power was securely established, and his pious Holiness had bid her safely pull the Vizor off, no sooner did *Smithfield* glow with Piles of blazing Hereticks, but Chronicles more particularly observe, that no People in her whole Kingdom felt so signal Marks of her Vengeance, as those very Men that raised her to a Throne. Her Princely Gratitude, for their Crowning her with a Diadem, crown'd them with their Martyrdoms.

But since we have mentioned her Princely Gratitude, 'twill not be amiss to recollect one instance more of so exemplary a Vertue. In the Dispute betwixt hers, and the Lady *Jane Gray's* Title to the Crown, it was remarkable, that all the Judges of England gave their unanimous Opinions for the Lady *Jane's* Succession, except one of them only, that asserted the Right of *Mary*: But it so fell out, that this Man proving a *Potestant*, (notwithstanding of all the whole Scarlet Robe he had been her only Champion) was so barbarously persecuted by her, that being first degraded, then imprisoned, and tortured, for his Religion, the Cruelty of his Tormentors was so savage, that with his own hand he made himself away to escape them. And well might the Violence of his Despair sufficiently testify his Sufferings were intollerable, when he fled to so sad a Refuge as Self murder for a Deliverance.

But here says another Objection, Suppose that the Conservation of a Nation's Peace, the Dictates of a Prince's Glory, and all the Bonds of Morality, cannot have any influence over a Popish Successour; yet why may there not be that Prince, who in Veneration of his Coronation-Oath, shall defend the Protestant Religion, notwithstanding all his private Regret, and Inclinations

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nations to the contrary? When rather than incur the infamous brand of Perjury, he shall tye himself to the Performance of that, which not the Force of Religion it self shall violate? And then, how can there be that Infidel of a Subject, after so solemn an Oath that shall not believe him?

Why, truly I am afraid there are a great many of those Infidels, and some that will give smart Reasons for their Infidelity: For, if he keeps his Oath, we must allow, that the only Motive that prompts him to keep it, is some Obligation that he believes is in an Oath. But considering he is of a Religion that can absolve Subjects from their Allegiance to an Heretical excommunicated Prince, nay, depose him, and take his very Crown away, why may it not much more release a King from his Faith to an Excommunicated Heretical People, by so much as the Ties of Vassals to Monarchs are greater than those of Monarchs to Vassals?

But 'twill not be amiss, for strengthening this Argument, to give the World an instance of the Power of an Oath with a *Roman Catholick King*.

There is a famous Gentleman on the other side of the Water, whom we all very well know (pray Heaven we live not to be better acquainted with him than we desire,) that once took the strongest of Oaths, the Sacrament, *That he would never invade nor make War upon Flanders*. But whether or no his *Confessour* found some *Jesuitical* Loop-hole from that Sacrament, or that the Body and Blood of *Christ* could not hold him, we see that *Flanders* of late years has not lived so merrily, nor so peaceably, as so Royal a Voucher (one would have thought) might have assured them they should.

And now let us a little ballance the difference between the Breach of his Oath, and that of a *Popish Prince's* in *England*. All the Motives that could provoke him to the Breach of his Oath, was only his Ambition, a Lust of being Great; and at the same time that he is an Invader of his Neighbouring Princes, his Conscience must tell him that his Conquests are at best but so many glorious Robberies, and all his Trophies but shining Rapines. Was it not the Sense of this that made *Charles* the Fifth, after all his Victories, retire from a Throne into a Cloister, out of mere Remorse for all the Streams of Blood he had shed, to make the last part of his Life an Attonement for the Faults of the first.

And then if a *Roman Catholick* can break an Oath only for the pleasure of Conquering, which he knows is doing ill; shall not a *Popish Prince* in *England* have ten times more Inclination to break an Oath for the Propagation of his own Faith, which his Conscience tells him is Meritorious? For, besides the specious Flattery, *That Kings can do no ill*, and *That all Crimes are cancelled in a Crown*, he has Religion to drive the Royal *Jehu* on; Religion, that from the beginning of the World, through all Ages, has set all Nations in a Flame, yet never confesses itself in the Wrong. Besides, how can a *Popish Prince*, in attempting to establish his own Religion, believe he does his Subjects an Injustice in that very thing in which he does God Justice; or think he injures them, when he does their Souls Right? Alas! no: When *Rome* by her insinuating Witchcrafts has lifted the full Bowl of her Inchantments to his Lips, what will his holy Enthusiastick Rage do less than the hot-brain'd drunken *Alexander*? All his best Friends, and every honest *Clytus* that dares but thwart his Frenzy, is presently his Frenzy's Sacrifice; only with this difference: the frantick *Alexander*, after his drunken Fit was over, in his milder and more sensible Intervals, with all the compunctions of penitence, could mourn and groan for what his blinder Rage had murder'd; but Religious Frenzy leaves that eternal Intoxication behind it, that where it commits all the Cruelties in the World, 'tis never sober after, so be sorry for't. Thus whilst a *Popish King* sets his whole Kingdom in a Combustion, how little does he think he plays a second *Nero*? Good conscientious Man! not he: Alas! he does not tune his Joys to the Tyrannick *Nero's* Harp, but to *David's* milder and more sacred Lyre; whilst in the height of his pious Ecstasie he sings *Tu Deum* at the Conflagration. Thus with an Arbitrary unbounded Power, what does his licentious holy thirst of Blood do less, than make his Kingdom a larger Slaughter-house, and his *Smithfield*, an Original Shambles? Thus the old *Moloch* one again revives, to feast and riot on his dear humane Sacrifice: And whilst his fiery Iron Hands crush the poor burning Victim dead, the Propagation of Religion, and the Glory of God, as he calls it, are the very Trumpets that deafen all the feeble Cries of Blood, and drown the dying Groans of what he murders.

Thus whilst the Bonds of Faith, Vows, Oaths, and Sacraments, can't hold a *Popish Successour*, what is that in an Imperial Head, but what in a private Man we punish with a Goal and Pillory; whilst the perjur'd Wretch stands the universal Mark of Infamy, and then is driven from all Conversation, and like a Monster houted from Light and Day: But the Pope and a Royal Hand may do anything; there's a Crown in the Case to gild the Deeds his Royal Engines act.

— Et quod
Turpe est Cerdoni Volefos Brutosque decebit.

They are still that adorable Sovereign Greatness we must kneel to, and obey. What if a little perjurd Villain has sworn a poor Neighbour out of a Cow or a Cottage ! hang him, inconsiderable Rogue, his Ears deserve a Pillory. But to vow and covenant, and forswear three Kingdoms out of their Liberties and Lives, that's Illustrious and Heroick. There's Glory in great Archievements, and Vertue in Success. Alas ! a vast Imperial Nimrod hunts for Nobler Spoils, flies at a whole Nation's Property and Inheritance. A Game worthy a Son of Rome, and Heir of Paradise. And to lay the mighty Scene of Ruine secure, he makes his Coronation-Oath, and all his Royal Protections (those splendid Baits of premeditated Perjury) the Cover and Skreen to the hidden fatal Toyl laid to ensnare a Nation.

But now to their main Objection : *Some People will tell us, That 'tis wholly impossible for any Popish Successor, by all his Arts or Endeavours whatever, to introduce Popery into England.*

To this I answer, If he's a Papist that says so, he knows he belies his Conscience ; for our late Hellish Plot is a plain demonstration, that their whole Party believed it possible. For did not the late Secretary *St. Coleman's* Records tell us, *That the pestilent Northern Heresie was to be rooted out, and that now they had as much hopes of accomplishing that Sacred Work of Rome, as they had in Queen Mary's Days ?* Could any thing be plainer, than that the subtil *Jesuites* had formed a Design to effect it ? For it is contrary to Reason, and even Nature itself, (as bloody as their Principles are) to think they aim'd at the Life of their King, and would play the Regicides only to commit the blackest of Murthers, for merely Murthers sake. No : They had the assurance under a presumptive Popish Heir, of making a National Conversion ; and how little privy soever he might possibly be to their principal and hellish Blow, yet they had that perfect in-sight into the very Soul of a Papist, that they were satisfied that under that Notion it was impossible for him to be otherwise than a Man of Rome's right stamp, and their Hearts own liking. And if under such a Successor, their hopes of a Nation's Conversion were equal to those in *Q. Mary's* time, no doubt the converting Means must have been as bloody or bloodier than hers ; For if after the short Infancy of Seven Years Reformation, under the Protestant *Edward the Sixth's* Reign, there wanted Fire and Faggot to restore the Pope ; how much more will he want them for his Restauration, after an Exclusion of almost Seventy Years together, with all the necessary Difficulties of regaining his Empire, where his Throne has been so long demolish'd ? Nay, in *Edward's* Days the only detestation of the Fopperies, Idolatries, and Superstitions of Rome, was all that went to make a Protestant Reformation. Alas ! the Beast was then but young ; but his Horns are since grown stronger, and his Teeth and Talons sharper : For since that we have had the notorious *Paris* and *Irish* Massacres, when at one riotous Festival above 100000 bleeding Protestant Hearts were all gorged by the devouring Monster in a Night. Add to these the successive Villanies of Gunpowder-Treasons, Fired Cities, with Plots against Kings and Kingdoms, which serve to heighten the Protestant Abhorrence. And if after all this we must still be converted, most certainly his Holiness must follow *Nebuchadnezzar's* Example, and heat his Fiery Furnace seven times hotter than formerly.

Thus far we are convinc'd that the *Jesuites* believ'd it possible ; and they are too cunning and politick a sort of People, to be deceiv'd with Shadows, or make Mountains of Mole-hills. And that it may not be objected, *That their Zeal has blinded their Reason,* let us but rightly consider, how far the first Foundations of Popery (*viz. Arbitrary Power*) may be laid in England. First then, if a Papist Reign, we very well understand that the Judges, Sheriffs, Justices of the Peace, and all the Judiciary Officers, are of the King's Creation ; and as such, how far may the Influence of Preferment on baser Constitutions, cull'd out for his purpose, prevail even to deprave the very Throne of Justice herself, and make our Judges use even our *Protestant Laws* themselves to open the first Gate to slavery ? Alas ! the Laws, in corrupted Judges hands, have been too often used as barbarously as the Guests of *Procrustes*, who had a Bed for all Travellers ; but then he either cut them shorter, or stretch'd them longer, to fit them to it. Well, but if the Publick Ministers of Justice betray the Liberty of the Subject, the Subject may petition for a Parliament to punish 'em for't. But what if he will neither hear one, nor call the other ; who shall compel him ? The entail'd Revenues of the Crown are much larger than his Popish Predecessors e'er enjoy'd, notwithstanding all the Branches of it that terminate with the Life of this present King. Besides, if this will not do, there's no doubt but he'll find sufficient Assistance from the Pope, *English* Papists, and Foreign Princes ; and then having but a prudent Eye, and a tenacious Hand, to manage his Exchequer,

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quer, we shall find he'll never call that People he shall never have need of. And then where are our Parliaments, and a Redress for all the Grievances and Oppressions in the World? But all this while the *Pope* is not absolute, there wants a Standing Army to crown the Work: And he shall have it; For who shall hinder him? Nay, all his Commanders shall be qualified, even by our present Protestant Test, for the Employment. He shall have enough Men of the Blade out of one half of the Gaming-houses in Town, to Officer twice as many Forces as he shall want. 'Tis true, they shall be Men of no Estates nor Principles; but they shall fight as well as those that have both: For People are ever as valiant that have their Fortunes to raise, as those that have them to defend: Nay, of the two they shall be more faithful to him; for they have no Property to be concern'd for, and will more zealously serve him, by reason their whole Interest and Estates lie in him. And that this Army may be more quietly raised, how many Honourable Pretences may be found? Perhaps the greatest and most importunate Preservation of his Kingdom shall call for it; and then, upon second thoughts, instead of defeating some Foreign Enemy, they are opportunely ready to cut our Throats at home, if we do not submit, and give all that this King shall ask. And then I hope none will deny, but his Revenue may be as great as he and his Popish Counsellors shall think fit to make it.

Thus far we have given the Pourtraicture of a *Popish King*: And now let us take a Draught of his Features in his Minority; that is, whilst he is only a *Popish Heir Apparent*.

Imagine then a long and prosperous Reign of a Protestant Prince, a Prince so excellently qualified, with the true Original of Clemency, Goodness, Honour, all the most dazzling Beams of Majesty; that withal his Sacred Princely Endowments he renders himself so true a Vicegerent of Heaven in his Three Kingdoms, so near an Image of God in the Moderation of his Temper, and the Dispensation of his Laws, that even the nearness of his affinity to Heaven should entitle him to the dearest Care of it. And to prove him the dearest Care of Heaven, imagine likewise that Heaven has given him a People of those loyal and grateful Principles, looking up with that thankful Allegiance, and kneeling with that humble Veneration to the best of Kings, the Author of their Prosperity, and the Founder of his Kingdoms Glory, that they have made it the greatest study of their Obedience to deserve so good a King. Witness in all Exigences their cordial tendering their Lives to serve him, and so far endeavouring to strengthen his Scepter and his Sword, till perhaps they have added those Gems to his Crown that all his Princely Ancestors could never boast of: Being so truly strenuous in rendering their Purse and Fortunes his absolute Votaries, till they have made his Revenue more than trebly exceed all his Royal Predecessors: And not stopping here, but upon all occasions continuing their generous and unwearied Bounty: Nay, that too, not always where his Peoples Safety, and his Kingdoms Glory, but where his private Satisfaction call'd for it; as if they were resolved to yield their Hands and Hearts so entire a Sacrifice to Majesty, that they would gratifie even his softest Wishes, studying to sweeten his Fatigue of Empire with all the Pleasures of a Throne.

Now let us suppose, after a long Tranquility of this matchless Monarch's Reign, That the immediate Heir of his Crown, and a part of his Blood; by the Sorceries of *Rome* is canker'd into a *Papist*. And to pursue this Landskip, we see this once happy flourishing Kingdom so far (as in all Duty and Reason bound) concern'd for themselves, their Heirs, and their whole Countries safety, till with an honest, cautious, prudent Fear they begin to inspect a Kingdom's universal health; till weighing all the Symptoms of its State, they plainly descry those Pestilential Vapours fermenting, that may one day infect their Air, and sicken their World; and see that rising Eastern Storm engendering, that will once bring in those more than *Egyptian* Locusts, that will not only fill their Houses, and their Temples, but devour their Labours, their Harvests, and their Vintages. Thus they so long survey their threatned Countries Danger, till with a more than Prophetick horror, they manifestly discover all the inseparable Concomitants of a *Popish Successour*; and like true Patriots, anticipate their Woes, with a present sense of the future Miseries they foresee.

With these just Repentments of their dangerous State, 'tis easie to conclude what follows. What is this *Popish Heir* in the Eye of *England*, but perhaps the greatest and only Grievance of the Nation, the universal Object of their Hate and Fear, and the Subject of their Clamours and Curses? At whose Door lie their Discontents and Murmurs, but His? Murmurs so violent, that they thrust in amongst their very Prayers, and become almost a part of their Devotions: Murmurs so bold, that they dare approach the very Palace, nay, Throne and Ear of Majesty. And whenever the People of *England* reflect on this Heir as their King in Reversion, they have reason to look upon him as no better than *Jupiter's* Stork amongst the Frogs. Yes, notwithstanding all his former Glories and Conquests, his whole Stock of Fame is so lost and buried in his Apostacy from the Religion,

gion, and consequently the Interest of these Protestant Kingdoms, that all his Services are cancell'd, and his whole Mass of Glory corrupted.

Suppose likewise this Popish Heir for many happy Years so blest in the Tenderness and Friendship of the best of Kings, that there is not that Favour or Honour within the reach or wish of Majesty, that he has not made it the Study of his whole Reign to confer upon him; whilst his Greatness and Lustre have been so much his dearest darling Care, as if the promoting his Interest had been the Support of his own; till in short he has had so large a share in the Bosom of this Royal *Pylades*, this kindest and most gracious of Princes, as if one Soul had animated them both.

On this Foundation, as great Affections are not easily removed, and Sympathy is that Bond which humane Power can ne'r dissolve; suppose moreover, that this inseparable Tie continues so long, notwithstanding all the Changes of Principles and Religion, a Bias so heavy that it almost overturns a Kingdom: Yet still the force of Nature, and Friendship surmounts them all, and stands that zealous unshaken Bulwark, for the protection and safety of this dearest part of himself; till at length he does little less than act so over-fond a Pelican, that he exhausts even his own Vitals to cherish him.

Thus whilst the long and lawful Fears of a drooping Nation have fully and justly satisfied them, that the kindest and most favourable Aspect of Majesty that smiles on *England*, through the Defence and Interest of a Popish Heir, shines but like the Sun through a Burning-glass, whose gentlest morning vernal Beams, through that fatal Medium, do but burn and consume what otherwise they would warm and cherish; what can the consequence of this unhappy Friendship be, but that the very Souls and Loyalties of almost a whole Kingdom are staggered at this fatal Conjunction; till I am afraid there are too many, who in detestation of that one gangreen'd Branch of Royalty, can scarce forbear (how undutifully soever) to murmur and revile even at that Imperial Root that cherishes it? Inasmuch, that those very Knees that but now would have bow'd into their very Graves to serve him, grow daily and hourly so far from bending (as they ought) to a Crown'd Head, till they are almost as stubborn as their Petitions and Prayers have been ineffectual.

Thus whilst a Popish Heir's extravagant Zeal for *Rome* makes him shake the very Throne that upholds him, by working and encroaching on the Affections of Majesty for that Protection and Indulgence that gives Birth and Life to the Heart-burnings of a Nation; what does he otherwise, than in a manner stab his King, his Patron, and his Friend, in his tenderest part, his Loyal Subjects Hearts? Which certainly is little less than to play the more lingering sort of Parricide; a part so strangely unnatural, that even Savages would blush at; yet this Religion, incorrigible, remorseless Religion, never shrinks at.

Thus whilst the Universal Nerves of a whole struggling Nation bend their united force against the Invasion of Pope and Popery, in studying to prevent Tyranny, they grow jealous of Monarchy: And fearing lest their Loyal Aid to the Father of their Country should unhappily contribute to the strengthening of the Subverters of their Peace and Liberty, instead of that Tributary-gold which once they so cheerfully shew'd at their dread Sovereign's feet, now on the contrary the Protection of a Popish Successor makes them so far from supplying the real and most pressing Necessities of Majesty, that they are rather well-pleased, and triumph in his greatest Wants, and that perhaps when his Glory, nay, possibly, when his nearest Safety calls for their Assistance.

Thus what does this Popish Heir in tying up the hands of a whole Nation from their just devotion to their King, but only this: In return for the accumulated Honours heaped upon him, he most inhumanly starves the very hand that fed him? An Ingratitude that even an Infidel would be ashamed of! But this Religion, incorrigible, remorseless Religion never blushes at.

Besides, if there can be a Son of that Royal Martyr *Charles the First*, a Prince so truly pious, that his very Enemies dare not asperse his Memory, or Life, with the least blemish of Irreligion; a Prince that seal'd the *Protestant Faith* with his Blood; who in his deplorable Fate, and ignominious Death, bore so near a resemblance to that of the Saviour's of the World, that his Sufferings can do no less than seat him at the Right-hand of Heaven. If, I say, there can be a Son of that Royal Protestant, of that uncharitable Popish Faith, who by the very Tenets of his Religion dooms all that die without the Bosom of their Church irreparably damn'd; then consequently he must barbarously tear up his Father's Sacred Monument, brand his blessed Memory with the name of Heretick, and to complete the horrid *Anathema*, he most impiously execrates the very Majesty that gave him being.

Then in fine, provided and granted that we have an Heir to the Imperial Crown of *England* perverted to the *Romish Faith*, and consequently of that depraved Constitution and Principles, that he has neither charity for the Stock from whence he sprang, concern or care for the safety, peace, glory, or prosperity of the best of Patrons, Friends, and

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and Kings; nor lastly, any remorse for the Groans of an afflicted Kingdom, What promises can we give our selves of his future Reign, when we have all these fatal Prognosticks before-hand? *Expede Hercules.* Or is it likely he will have greater care and tenderness for a Nation's Peace, when he shall be seated on a Throne, and have more power to take it from them?

But says a Critick to all this, Suppose this Popish Heir undoubtedly believes (as a Papist must do) that there's no way to Heaven but his own; and should he so far comply with the Glory or Interest of his King, though a Father or a Brother, on the one side, and Quiet and Safety of a Nation on the other, as to renounce his Principles of Christianity, and conform to theirs; What were that, but to purchase their Peace with his own Damnation, and to sacrifice his own Soul for their worldly Interests? And certainly, neither Duty nor Allegiance, nor any Tie whatever, ought to extort that from him. And then, if all the Grievances of a Kingdom lie at his Door, alas! the worst can be said of him is, That if he be any occasion of it, 'tis his unhappiness, and not his fault. More especially, provided he is only passive, and that we plainly see, that during his being this Popish Heir, he acts nothing that may encourage or favour Popery in the least.

Pray, by the way, How must it follow, that if we do not plainly see him act, that therefore he must not act? Does no Man act, but he that publicly treads the Stage? Does no Man sit at the Helm, but he that visibly holds the Rudder? Does no Wind stir the troubled Sea into a Tempest, but what the poor Mariners both hear and feel? No Storm, but that which lightens in their Eyes, and thunders in their Ears, to warn 'em 'tis a coming? Alas, alas! the greatest Hurricanes are only made by subterranean Winds, a secret, silent, under-ground working Mine of Ruine, which never bursts out till it destroys, and which no Man hears or sees till he is lost.

But to return to the Objection, *The Grievance of a Nation may be his unhappiness, and not his fault, &c.* That is, in short, he cannot help it. Very right. And so when this Popish Heir comes to the Crown, and promotes the Romish Interest with all the Severity, Injustice, and Tyranny, that Religious Cruelty can invent; his Answer will be, He cannot help it; or at least cannot withstand those irresistible Motives that prompt him to their execution; which is the same thing. The injunctions of his Conscience make him as active now in the ruining a Kingdom's Peace, as he was passive in it before: For who can be so void of common sense, as not to know, that the same impulse of Conscience that makes a Man a Roman Catholick, will make him act like one when opportunity serves? And what greater opportunity to establish Popery, than for a Papist to wear a Crown? And tho' perhaps the stubborn English Genius will not easily bend to the Superstition of Rome, yet since his Almighty Friend the Pope, the undisputed Keeper of the Keys of Paradise, will no doubt assign him no common Diadem in Heaven for so glorious a Task as a Nation's Conversion. Who then will not make that sacred Work the study of Years, which cannot be accomplish'd in a Day, for such a Reward, especially when he has these two infallible Arguments to spur him on in so godly a Cause? First, he is of a Religion that makes humane Merit the Path to Salvation. Merit, the Roman Catholick Exchequer, Rome's bottomless Golden Mine. Merit, that makes the frightened dying Sinner starve his own Blood, and pawn his Estate to redeem his Soul. Merit, that drains the Wealth of Nations into the Priestly Coffers, and makes the Luxury of a World the pampered riotous Church-man's Inheritance. Merit, that can make a *Loretto-Chappel* vie with a *Venetian Arsenal*; and Rome's Altars, Cloisters, and Convents, rise so high, so rich, so numerous, and so magnificent, though the impoverish'd Widows Groans, and the naked Orphans Cries, do little less towards the building, than a second *Amphion*: Nay, Merit, that can consecrate Daggers, and kill Kings. Thus whilst he has the Wonder-working Merit for his Tutor, what greater and more meritorious Act to Canonize him a Saint of the first Magnitude, than the converting of an Apostatized Heretical Kingdom?

And then next, he is of a Religion that does not go altogether in the old fashion Apostolical way of Preaching and Praying, and teaching all Nations, &c. but scourging, and wracking, and broiling 'em into the fear of God. A Religion that for its own Propagation will at any time authorize its Champions to divest themselves of their Humanity, and act worse than Devils, to be Saints. And thus whilst neither the Cries of Blood can deter him on the one side, and so no Tyranny come amiss to him; and next, that he has the undeniable assurance of the great Blessings of Eternity to encourage him on the other; with these advantages, who would not be as active as a second *Romulus*, and with all his utmost vigour and pride, build up his Rome new Walls, tho' he made his nearest, nay, the Nations dearest Blood their Cement?

And thus what is a Popish Heir, but the most terrible and the most dangerous of England's Enemies, and of all our Foes, has the most inflexible invincible Enmity. Nay, the very outrages of Thefts, Murders, Adulteries, and Rebellions, are nothing to the pious Barbarities of a Popish King. The Murderer, and Adulterer, may in time be reclaimed by

by the Precepts of Morality, and the Terrours of Conscience. The Thief, by the dread of a Gallows may become honest : Nay, the greatest Traitor, either by the Fear of Death, or the Apprehensions of Hell, may at last repent : But a Papiſt on a Throne has an unconfutable Vindication for all his Proceedings, challenges a Commiſſion even from Heaven, for all his Cruelty dares act. And when the Enchantments of *Rome* have toucht his Tongue with a Coal from her Altars, what do his Enthuſiaſms make him believe, but that the moſt ſavage and moſt helliſh Dooms his blinded Zeal can produce, are the immediate Oracles of God ? And all the Apology a poor Nation can expect from him, is, *He cannot help it.*

As, but (ſay the wiſeſt Criticks we have met with yet) if theſe be the Dangers of a Popiſh King, why have we not ſuch ſtrong, ſuch potent Laws made before this Popiſh Heir come to the Crown, that it ſhall be impoſſible for him ever to ſet up Popery, though he ſhould never ſo much endeavour it ?

To this I anſwer : To endeavour to ſet up Popery by Law, even with the Laws that we have already againſt it, is impoſſible ; and therefore the very Suppoſition of the Projection that way is Nonſenſe. And on the other ſide, to conclude he'll endeavour to do it againſt Law, and ſo to make new Laws on purpoſe for him to break them with their Fellows, is worſe Nonſenſe than t'other. Beſides, Who ſhall call this King to queſtion for breaking theſe Laws, if he has the Power and Will to do it ? I fanſie that the only neareſt Illuſtration I can make upon this Point, in creating new Laws againſt Popery, in caſe of a Popiſh Successour, is as politick a piece of work in the kind, as building the Hedge to ſenſe in the Cukow. 'Tis true, I will not deny but a Popiſh King may be totally reſtrain'd from all Power of introducing Popery, by the Force of ſuch Laws that may be made to tie up his hands ; but then they muſt be ſuch as muſt ruine his Prerogative, and put the executive Power of the Laws into the Hands of the People. If a King of *England* were no more than a *Stadt-bolder* in *Holland*, or a Duke of *Venice*, no doubt Popery would have little hopes of creeping into *England* ; which is in ſhort, he that is no King can be no Tyrant. But what Monarch will be ſo unnatural to his own Blood, ſo ill a Defender, and ſo weak a Champion for the Royal Dignity he wears, as to ſign and ratifie ſuch Laws as ſhall entail that effeminacy and that ſervility on a Crown, as ſhall render the Imperial Maſteſty of *England* but a Pageant, a mere Puppet upon a Wire ? If then no King will aſſent to make Laws to do it this way, and no Laws can do it t'other, all Laws againſt Popery, in caſe of a Popiſh Successour, are, as I told you before, but building the Hedge, &c. For indeed, how can the Force of Laws made by a Proteſtant Predeceſſour, and a Proteſtant Parliament, in any ſort bind a Popiſh Successour, when the very firſt advance of the Pope's Supremacy introduces that higher power, thoſe Canonick Eccleſiaſtick Laws, which no Secular, or any Temporal Court can or may controll ? Laws that ſhall declare, not only all the Statutes and Acts of Parliament made againſt the Dignity of Mother Church, void and null, but the very Law-makers themſelves as Hereticks, wholly uncapable of ever having any right in making ſuch Laws. No doubt then, but that fire that burns thoſe Heretick Law-makers, ſhall give their Laws the ſame Martyrdom.

With this certain proſpect, both of the ruine of their Eſtates, Lives and Liberties, where lies the Sin in the Commons of *England* to ſtand upon their guard againſt a Popiſh Successour ? *As, in God's Name, let 'em ſtand upon their guards, and uſe all expedients to keep out Popery and Tyranny, provided ſtill that we preſerve the ſacred Succeſſion in its right Line, for that we are told both King and People are obliged in Conſcience to defend and uphold.*

I think I need not inſiſt farther in multiplying Arguments to prove how far 'tis impoſſible to do one without the other ; but on the other ſide, let us examine how the defending and eſta bliſhing a Popiſh Successour, is an Obligation on our Duties or Conſciences.

Fiſt then, let us fanſie we ſee this Popiſh Heir on the Throne, and by all the moſt illegal and arbitrary means, contrary to the whole frame and hinges of the *English* Government, introducing Popery with that Zeal and Vigour, till his inſatuated Conſcience has perverted the King into a Tyrant. And not to ſtop here ; if the Conſtitution of the *English* Maſteſty makes a King Supreme Moderatour and Governour both Eccleſiaſtick and Civil, What does this Popiſh King by admitting the Pope's Church-Supremacy, but

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divest himself of half his Royalty, whilst like the junior King of *Brainsford* in the Play, he resigns and alienates the Right-hand Power of Majesty to an Invador and Usurper? And whilst we are thus enslaved by a Medly-Government, betwixt Tyranny and Usurpation; by establishing a Papist on a Throne, we are so far from preserving the Crown, that is, the Imperial Dignity, in a right Line of Succession, that we do not preserve it at all, but on the contrary extirpate and destroy it, whilst by enthroning a Papist we totally subvert and depose the very Monarchy it self. And can it be the Duty of either *Englishmen* or Christians to have that Zeal for a corrupted leprous Branch of Royalty, that we must ruine both Religion, Government, and Majesty it self, to support him? How much more consistent would it be with the honest, prudent, and lawful means of a Nation's Preservation, to take out one link out of the whole Chain of Succession, than by preserving that, to break the whole to pieces? Next let us see, who 'tis the Commons of *England* would render incapable of inheriting the Imperial Crown; a Prince of the Royal Blood, nursed and bred up in the Protestant Allegiance and Faith, and afterwards seduced and perverted to the *Romish* Principles and Superstition. And what's that, but a Prince whom the unanimous Voice both of King and People (for such are the Laws of *England*) have declared guilty of High-Treason, as we find in the first Statute in the 23d. of *Elizabeth*?

S T A T U T E.

Be it declared and enacted by the Authority of this present Parliament, That all Persons whatever, which have, or shall have, or pretend to have Power, or shall by any way or means put in Practice to absolve, persuade, or withdraw any of the Queen's Majesty's Subjects, or any within her Highness's Realms and Dominions, from their natural Obedience to her Majesty; or withdraw 'em for that intent from the Religion now by her Highness's Authority established within her Highness's Dominions, to the Romish Religion; or to make them, or any of them, to promise any Obedience to any pretended Authority of the See of Rome, or any other Prince, State, or Potentate, to be had or used within her Dominions; or shall do any Overt Act to that intent or purpose; and every of them, shall be to all intents adjudged Traitors; and being thereof lawfully Convicted, shall have Judgment to suffer and forfeit as in case of High-Treason.

And if any Person shall, after the end of this Sessions of Parliament, by any means be willingly absolved, or withdraw as aforesaid, or willingly reconciled, or shall promise any such Obedience to any such pretended Authority, Prince, State, or Potentate, as is aforesaid, then every such person, their Procurers and Counsellors therunto, being thereof lawfully Convicted, shall be Tried and Judged, and shall Suffer and Forfeit as in Cases of High-Treason.

Nor was this Act any more than a Confirmation and Explanation of an Act made before, in the 13th. Year of her Reign; Where 'tis likewise declared, That if any person or persons, shall willingly receive or take any Absolutions, or Reconciliations from the See of Rome, that they and their Seducers shall be equally guilty of High-Treason. Nay, we have an Act even in *Henry* the 8th's Reign, in which is declared, That any Man that shall refuse the Oath of *Henry's* Supremacy in renunciation of the Pope, shall be guilty of High-Treason.

If then we have a Popish Heir presumptive, of the same brand that these Laws have mark'd him out, I would ask, what Crime 'tis in the People of *England* to endeavour to disable a Traitor from wearing a Crown? Besides, they consider they are under a regulated and bounded Government, a Government where no man stands or falls but by his own act and decree; whilst the whole Dispensation of *Muum* and *Tuum* are made by every man's self or his Representatives. Since then the People of *England*, as the Law-makers, are an essential part of the Government; and are fully assured in the Reign of a Papist, that Right will be destroyed, why should not they be as active and vigorous for their own Royal Inheritance, and sacred Succession of Power, as a King for his? Nay, they ought to be the more vigorous of the two: For the King in defending a Popish Heir, protects but that Successour, whose Tyranny he shall never live to see, (since it commences but from his Grave;) but the People of *England*, in asserting their Rights and Liberties, and defending themselves and their Heirs, do oppose that Tyranny which they may both live to see and feel. And that they may assure themselves they shall feel it, if ever a Papist mounts this Throne; then all their Murmures, their Petitions, Protestings, and Association-Votes will be rememb'd to the Purpose. He that has gone a long and tiresome Journey through Brakes and Briars to a splendid Palace, when once in Possession, will fend out to root up all those Thorns, and weed those Thistles that gor'd him in the way. Alas, too sure! he'll make good that old Promise of God to the Seed

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Seed of the Woman, *He'll crush their Heads, that bruised his Heels.* And would it not be hard, that the Folly and Fall of Man should renew our old *Adam's* Misfortune, and entail a Curse on our whole *English* Generation? If the Policy of *Rome*, like the old Serpent's Subtilty, has put him up into an Ambition and Lust of being equal to God; may he have *Adam's* Success too, whilst the Protestant hearts and hands of *England* stand like the Angel's Flaming Sword to expel him from that once Hereditary Paradise, which now his Apostacy has justly forfeited and lost.

Besides, That the Disinheriting of an Heir to the Crown of *England* may not appear a thing so illegal, or indeed so monstrous as some People would make it, I would only refer those vehement assertors of the inviolable Right of Succession, to our own Chronicles for their Confutation. For they'll find not only the Succession was scarce ever kept for three King's Reign together, in a direct line of Descent, since the Conquest; but that the Crown and Succession were frequently disposed and settled by Acts of Parliament. I shall need instance but in some few particulars. In the 25th. of *Henry* the 8th. we find the Parliament ordering the Succession, and Enacting, *That the Imperial Crown of this Realm shall be to King Henry the 8th. and to the Heirs of his body lawfully begotten on Queen Anne, and the Heirs of the bodies of such several Sons respectively, according to the Course of Inheritance; and for default of such Issue, then to the Sons of his body in like manner; and upon failure of such Issue, then to the Lady Elizabeth, &c.* By the same Statute is every Subject at full Age obliged by an Oath to defend the Contents of this, and the refusal made Misprision of Treason. In the 28th. Year of his Reign was that Act repealed, and the Parliament entailed the Crown on the Heirs of his Body by *Queen Jane*, the *Lady Mary* and the *Lady Elizabeth* being both declared illegitimate, the first as the Daughter of *Katherine*, formerly his Brother's Wife, and divorced; and the last as the Daughter of *Anne Boleyn*, attainted of High-Treason. And in case he dyed without Issue, then the Parliament empower'd him by the same Act to dispose of the Succession by his own Letters-Patents, or his last Will. In the 35th year of his Reign the Parliament granted the Succession to *Edward*, and for want of Heirs of his Body, to the *Lady Mary*, and the Heirs of her Body; and for want of such Heirs, to the *Lady Elizabeth*; but both subject to such conditions as the King should limit by his Letters-Patents, or by his last Will signed by his Hand; and if the King left no such Conditions by his Will, or under his Letters-Patents, then either of them should enjoy the Imperial Crown, with the Limitations only made in that Act. By these Acts we may plainly see, that the Succession of the *English* Crown was wholly subjected to the disposal, determinations, and limitations of Parliament. And that we may be well assured that that Right lay in them, *Henry* the 8th. was a Prince of that Wisdom and Prudence, and so far from submitting to Parliaments, that we may be very well assured, that he would never have complimented them with a Power that was not their due. If he had thought in the least that he could have disposed of the Succession himself, no doubt but he would have challenged the Prerogative, had he had it to challenge. And as in every one of these three Acts they declared that their Zeal for settling the Succession was for prevention of those Mischiefs, and that Blood-shed that might possibly be occasioned by future Disputes: Here 'tis observed, that whilst they thus handled the Succession so many various ways, by three several Acts in one King's Reign, they did not so much respect the Preservation of the Right Heir, as the Kingdom's Safety; for had they been so patently tender for the next of Blood in that Age, as some would have us be in this, they would never have excluded the *Lady Mary* and *Elizabeth* from the Crown in one Act, or never have re-admitted them again in another. Besides, one thing is remarkable in these Acts of Parliament, viz. The last Act of Parliament gives the Succession to those very Ladies whom the King and Parliament had before declared and recorded Illegitimate: Nay, they had proceeded so far, as to make it Treason for any Man by Writing or Printing to say or declare that either the *Lady Mary* or the *Lady Elizabeth* were Legitimate; and yet afterwards these were no impediment to debar them from a Throne. And *England* was never more blest, than under the long and glorious Reign of that excellent Princess *Elizabeth*, how Illegitimate soever she had been rendered. I shall only cite one Act more, and that is the 13th. of *Elizabeth*, where tis made Treason to affirm the Right of Succession of the Crown to be in any other than the Queen; or to affirm that the Laws and Statutes made in Parliament, do not bind the Right of the Crown, and the Descent, Limitation, Inheritance, and Governance thereof. If after so plain and evident Proofs of the undeniable Power of Parliaments, we meet so many Snarlers against the Proceedings of the last, I know no excuse they can make for themselves, but by owning their Ignorance to be as great as their Impudence.

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If then (which no Man in his right wits can deny) our Religion, Lives, and Liberties, are only held by a Protestant Tenure, and the Majesty of England not only by the Force of his Coronation Oath, but by all the ties whatever, ought to be the Pillar and Bulwark of the Protestant Faith, and at the same time granting that we have a Popish Prince to inherit the imperial Crown of England, he ought certainly in all Justice as little to ascend his Throne, as Nebuchadnezzar ought to have kept his, when the immediate Blast of Heaven had made him so incapable of ruling as a King, that he was only a Companion fit for Brutes and Savages. And if he had no Injustice done him when he was thrust out into his proper Element, to feed and herd with the Beasts of the Field; a Papist Heir of England, with that Persuasion and Principles so destructive to the British State, has a little wrong done him in being debar'd from the Succession, as a fitter Guest for a Cloister than a Throne. I remember Story tells us, That the Mother of Paris, the Son of King Priam, dreaming before his Birth she had brought forth a Fire brand, that shall one Day set their Troy in flames; immediately upon this, the afflicted King, as a true Father of his Country, notwithstanding all the Compunctions of Nature, and Ties of Blood, was so far from cherishing even his own Race, and a Branch of himself, that he ordered the Infant to be brought up amongst Swains, as the Son of a Shepherd; where divested of all his Princely Fortunes, and ignorant of his own high Blood, he should end his days in ignoble Obscurity. And all this out of the Prophetick Horror but of a Dream, that seemed to threaten the Peace and Safety of his Kingdom. And how much more reason has the present Power of England, for effectually opposing Popery, by disinheriting a Popish Successour, when under a Popish Monarch, our *Troy-novam*, has the undeniable assurance of being put into a flame; when Priam's fear was but a Dream? How fabulous soever this Story may appear, yet I am certain we have too much reason to esteem the Moral of it Oraculous. And surely our present greatest Sticklers for an unbroken Succession of the Crown, must of all Mankind set but a very little price upon their Country, and conclude our England the most inconsiderable part of Christendom, when the Interest of one man shall outweigh that of Three Kingdoms, with the whole Safety of Religion it self, and the Glory of God to fill up the Balance. But indeed they are resolved to be positive; and be the next of Blood a Papist or a Mahometan, yet if he be born to it, let him govern us. And truly I cannot forbear to repeat one of their commonest Arguments, and as they think strongest; which is, *If the Son of a private Gentleman, though a Papist, shall inherit and quietly possess his Hereditary Estate; is it not hard, nay, barbarous Injustice, That the Son of a King, and the Heir of a Crown, should lose his Patrimony of Three Kingdoms for being a Papist?*

Though this Argument, as *Argumentum à fortiori*, has mighty sound in't, yet how feeble will it appear, when the Analogy shall be examin'd.

The Papist Gentleman that's born to an Estate, may peaceably inherit it; yes, and with some reason for it: For he's Subject of a Protestant Kingdom, and as such, has Protestant Laws to rule him. He can neither force his Neighbours or his Tenant to Mass, or imprison or burn 'em for Hereticks, nor seize their Estates as forfeited to Rome, whilst he is a Papist. His Religion is only to himself, and if he takes any Violent or unlawful Course to propagate his own Persuasion, he's not so big but he may be brought into *Westminster-hall* to answer for it. Nay, possibly the Papist Subject under a Protestant Government, may sometimes behave himself as a more harmless and quiet Common-wealth's man, than a Protestant himself, if for no other than his own preservation, as not daring to awaken that Justice that may inflict the penal Statutes against him for his Reculancy.

But how directly contrary to all this is the influence of a Romish Heir, when there is not one of all the destructive Qualities (of which a private man can ne'er be guilty) that on the other side shall not vigorously and undoubtedly put in execution, when once the acquisition of a Crown has enabled him for it, as we have at large discoursed before? And if the Princely Popish Heir be disinherited, when a private Gentleman escapes, 'tis not for his Religion, for that may be alike in both, but for his uncontrollable Power of establishing that Religion, which a Royal Station will inevitably give him.

Alas! the Protestant Strength is above the Fear of any little Popish Beasts of Prey: It only behoves their Safety to hunt the Imperial Lion down.

If then the English Blood boils so high, and the access of a Papist to a Throne must necessarily meet a passage so difficult, with all these solid Bars between; if his Religion were

were as honourable as 'tis invincible, what deathless Fame, and what eternal Trophies might a Popish Heir atcheive, if the welfare of a King and Three Kingdoms could so far influence him, as freely of himself to make the Union of King and People a Work of his own Creation, by slackning the fatal strength of a too generous Brother's over-violent Friendship; and so rendring our univerfal Peace his inclination and not necessity?

I remember in the old *Roman* History, when a long Plague had reigned in *Rome*, and an Earthquake had opened a prodigious Gulph in the middle of the *Forum*, their *Consulted Oracle* told 'em, That neither the Plague should be stopt, nor the Breach closed, till the most Noble Victim in *Rome* had appeased their angry Deity. When *Curtius*, a Noble Youth of *Rome*, of the best and highest *Roman* Quality, most princely adorn'd, and most gallantly mounted on Horseback, with a look so gay and so chearful, more like that of a Bridegroom than a Sacrifice, amidst a thousand wondering tender Eyes around him, rode headlong into the yawning Pit. Thus falling, unterrified at so dreadful a Precipice for his Countries Deliverance, he extorted the Promise of the Oracle; for the Pestilence ceased, and the closing Earth sealed up his Grave.

The voluntary Resignation of a Popish Heir, would be no less a signal National Service, in the present Exigence of *England*, than that of *Curtius* in *Rome*; only 'tis attended with milder Circumstances. Our State, as dangerous as it is, does not require any Sanguinary Sacrifice: The Cure he might make to all our Plagues, would be only the easier Oblation of quitting the doubtful prospect of a remote and craggy Throne; and that too, to refix a shaking Crown, to regain the Hearts of a whole Nation, and build himself that Pyramid of Honour, which would outshine the wearing a Diadem.

Besides, let Plotting but once end, and the Pendent Sword, which like that of *Damocles*, hangs but by a Hair o're our Sovereign's Head, be safely sheath'd, and give Nature fair play, the little disparity of their Years considered, the resigning of a Crown in all humane probability, would not appear at so much distance, and such uncertainty, altogether so extravagant an Offering, especially when 'tis made for a King and Brother's Safety and Glory, a Kingdom's Peace and Prosperity; nay indeed, the whole repose of Christendom, when the Concordance of the King and Parliament is the greatest means for strengthening those Foreign Alliances, that may give check to the fatal growth of *France*.

Nay, above all this, what Immortal Glory would it bring even to the *Romish* Religion itself, when a Prince so immediately Allied to a Crown, shall voluntarily lay aside the Hopes and Pretensions to a Temporal Diadem, for an Immortal One? And how many more, at least more hearty Converts would so transcendent an Example of Piety make, beyond the utmost severer Influence of a Throne? Nay, I may even without flattery say, the Deed would make him so adorable, that for losing a Crown, he would almost raise himself an Altar.

But *Rome* (Heaven knows) has other work in hand; she'll have no Proselytes of that kind of Creation; her Road of Conversion I assure you lies quite another way; Besides, her Champions are not made of so pure and refin'd an Ore, their *Minerals* are more course, and more allay'd. Her Saints, in spite of all their Heavenly Contemplations, have still so much of Earth about them, that like the Feet of *Daniel's* Image, they are a mixture between Iron and Clay.

But to sum up all: If no Reason must or shall prevail, and that right or wrong a Papist must succeed, when all the inseparable Cruelties of Pope and Popery shall surround us; suppose the worst that may be, that the dreadful approach of certain slavery, so opposite to the free-born Genius of *England*, has exasperated them into a Spirit of Rebellion; what is it but the pestilential Air of reigning Popery, that bloats and swells them into that Contagion? And if the Popish King summons all his Thunder to punish 'em for't, what can the greatest Favourer of *Rome* make more on't, than he that warps them crooked, and then breaks 'em to pieces, because they are not straight? And what's the whole sum of a revolting Nation under a Popish Tyrant, but using a violent Cure to expel an univerfal Poyson?

But here will some pretended pious Objecters say, *How shall we dare to Revolt? Remember we are Christians, and we must obey, or at least yield a Passive Obedience to our King; be his Religion, Principles, or Government never so Tyrannick, he is still the Lord's Anointed, and our Native Sovereign.*

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I would ask what this Lord's Anointed is? and who 'tis is our Native Sovereign, when instead of being free Subjects, Pope and Tyranny shall rule over us, and we are made Slaves and Papists? We are bound indeed by our Oaths of Allegiance, to a constant Loyalty to the King and his lawful Successors. Very right; by that Oath we are bound to be his lawful Successor's Loyal Subjects; but why his Loyal Slaves? Or how is an arbitrary absolute Popish Tyrant, any longer a lawful Successor to a Protestant established and bounded Government, when lawfully succeeding to this limited Monarchy, he afterwards violently, unlawfully, and tyrannically, over-runs the due bounds of Power, dissolves the whole Royal Constitution of the Three Free States of England, and the Subjects Petition of Right? Whilst wholly abandoning those Reins of Government which were his lawful Birthright, and making new ones of his own illegal Creation, he makes us neither those Free-born Subjects we were when we took that Oath, nor himself that King we swore to be Loyal to. But alas! that Bugbear *Passive Obedience* is a Notion crept into the World, and most zealously, and perhaps as ignorantly defended. There never wanted the Authority, even of Holy Writ itself, on all occasions to vindicate every thing; and there's scarce a Precedent in the oldest Historick part of the Bible, that shall not by an extorted Application, be appropriated even to the Duty and Necessity of all Ages, Places, and Constitutions of the World. For Example, *They'll tell you that the Prophet Samuel makes this Answer to the Jews that desired a King, That he would make their Sons and Daughters Slaves, and give their Fields, their Vineyards, and their Olive-yards, &c. to his Servants, and all this, and much more they must accept from a King, &c. And ye shall cry out in that day because of your King that you have chosen; and the Lord will not hear you in that day. Which was as much, as if the Prophet had said, If a King shall, as he may do this, you have no redress but to your Prayers for his Conversion, and they perhaps too shall not be heard.* He does not tell them they might revolt or rebel, to redress themselves; no, Heaven forbid he should: For what was the King they desired, but like those of the Nations about them? And what were those Kings but Absolute? In their own Breath lay the Voice of the Laws, and *Sic Volo, sic Jubeo*, was a Decree or Statute; and if they voluntarily submitted, and vowed Allegiance to a King so Absolute, and so Arbitrary, as such they ought to obey him. And as they freely would run all Risks of whatever might follow, it was their own choice, and *Volenti non fit injuria*. Here indeed a Passive Obedience was due; but what's this to a King of England? 'Tis not here, *Sic Volo, sic Jubeo*; here 'tis first *sic vult Populus*, and then comes *sic Jubeo Rex*. Here all our Laws and Decrees by which we are govern'd are of the Peoples choice; first made by the Subject, and then confirm'd by the King. Here a King cannot take our Sons and Daughters, or our Fields and Vineyards away, unless we please to give him them.

If the Three States of England, which we suppose the whole Body of England, lawfully convened in Parliament, shall submit to such an Arbitrary Majesty, to have their *Magna Charta* abolish'd, their Religion and Liberties destroyed, and to have Popery and Arbitrary Power set up, and yield to have the Right of Lords and Commons extirpated, and all devolve into the King; so that like the old Kings of Israel, he may set up Idols, and molten Calves, and make us bow down and worship 'em; if they will do all this, then indeed we are his lawful Slaves, and as such, 'tis our Duty to pay him an entire, undisputed Obedience.

I would only beg the World seriously to consider how Monarchy it self is acquired and founded, and then the Duty of Subjects will be more easily discern'd.

Monarchy can be acquired but two ways:

First, By the Choice of the People, who frequently in the beginning of the World, out of the natural desire of Safety, for the securing peaceful Community and Conversation, chose a single Person to be their Head, as a proper Supreme Moderator in all Differences that might arise to disquiet that Community. Thus were Kings made for the People, and not the People for the King.

The other Acquisition of Monarchy was by Conquest. The glory and pleasure of Reigning grew so tempting, that (especially in latter Ages) they spur'd on Ambitious Minds to obtain that by Force, which in the Infancy of Time, and the first Original of Nations, appears to be generally the Peoples Choice, and not Compulsion.

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However, whether Choice or Compulsion, yet after Possession, and the Peoples Submission, the Right of Kings is Sacred.

Now Conquest is Twofold :

The first sort is, where the Conquerour wholly over-runs a Nation or People, and, like those that take Towns by Storm, destroys and depopulates, kills or enslaves ; and then establishes Religion, Rights, and Laws, solely at the Will of the Conquerour.

The other kind is, when the Vanquish'd come to Capitulate before they yield, and only upon Terms.

Such was our last *Norman* Conquest, when the Inhabitants of *Ken*, and the Bishop of *London*, upon a Parley, prevail'd with him (as our Records attest) to confirm their Customs and Rights, establish'd and granted them by *Edward* the Confessor, whilst the Liberty of the Conquerour, contenting himself with no larger a Prerogative than their last *Saxon* King had possess'd before him, submitted to make their own Native Common Laws of *England* the Standard of his Justice, and the continuation of their Ancient Privileges the Cement of their new Allegiance.

In this middle Channel ran the *English Monarchy*, till in the Reign of *Henry the Third*, the *Magna Charta* was confirm'd ; which indeed was but a Monumental Register of the Liberties and Immunities of *English-men*, enjoy'd before (tho' not so fix'd) in their pious *Edward's* Reign. In this state has the Majesty of *England*, the Dignity of Parliaments, and the Liberty of the People (bating their former Servility to *Rome*) continued ever since. And if now at last Popery must and shall come in, (as by Law it cannot) and consequently must be restored by Arbitrary Power : If a new Monarchy, then a new Conquest ; and if a Conquest, Heaven forbid we should be subdued like less than *English-men* ; or be debarr'd the Common Right of all Nations, which is, to resist and repel an Invader if we can.

But to sum up all this, I must say, the most vehement Disputants against the Peoples Right of defending themselves, must at least acknowledge thus much, that whenever a Popish King shall by Tyranny establish the Pope's Jurisdiction in *England*, undoubtedly in the Eye of God he is guilty of a greater Sin, than that People can be, that with open Arms oppose that Tyranny. For by introducing Popery by Tyranny, by one unjust Power he establishes another as unjust ; and by one Ill defends a worse : Whereas the People of *England*, in taking Arms against that Tyranny, defend a just Right, viz. their Religion, Lives, and Liberties.

Thus when a *Popish Monarch* shall subvert all Rights, and violate all Laws, till oppressing a wretched Nation, more like a *Lupus Agri* than *Pater Patrie*, he so wholly perverts the Duty of his great Office, and defaces in himself the nearest Image of a Deity, by so falsely representing his Vicegerent : Imagine on the other side, a persecuted deplorable People, even abandon'd by God, and so exasperated by Injustice, till they struggle against the Yoke, and the Horror of this *Gorgon*, in spite of all their Native Duty, has harden'd 'em into Disobedience, and then what can a poor Nation expect but Vengeance and Destruction ? If this be our Rod of Iron, this the King ordain'd to Rule over us, what signifies all our long pudden about a Plot ? Give the Papists that Point, and allow them all they dare ask, that there neither is, nor has been, any *Popish Plot* : That the Evidence are perjurd, and that *Coleman's* Letters, *Godfrey's* Murther, and *Bedloe's* dying Attestations, &c. are nothing to the purpose : Grant this and twice as much more, yet allowing at the same time, that Providence has decreed us a Papist, and a Bigot, for a King ; no matter then for Plotters, Jesuits, Ruffians, the very Essence of a Popish Successor is the great Plot upon *England* since the Creation. A Plot of God himself to scourge a Nation, and make three Kingdoms miserable. As for the other Plot, what was it but a secret Confederacy between a handful of feeble Villains, the Limbs of the *Roman Hydra* ? But, alas ! With all their Designs they were but Men, and as such we have seen them both detected and defeated. But if we are predestin'd for a Romish Government, that's a Plot indeed. a Design form'd by the irresistible Decrees of Heaven, either for our Sins, or what cause to itself best known, to lay a groaning Country in Ruine : nay, the Ruine is so universal, we must give it no bounds ; for upon the supposition of a *Popish Heir*, we must not conclude, that 'tis only the poor distressed Protestants that shall feel the smart, and stand the mark of Slavery and Martyrdom. A *Popish King* has that Pestilential Influence, that he blasts even the very Party he smiles upon, and entails

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tails a Curse upon his dearest darling Favourites. As for instance, if after this King's Reign steps up a Protestant Prince, (for surely the whole Royal Bloud must not all follow his Apostacy, and degenerate in *secula seculorum*) then what becomes of the Popish Interest in the next Generation; and all that flourishing Party, whom either the Witchcrafts of *Rome*, or the Contagion of *Regis ad exemplum*, has nursed up for ruine? 'Tis the greatest Toyl of the next King's Reign, to make those severer Statutes for future Ages, to suppress the Insolencies and Follies of the past; whilst those very Idols that were Saints but yesterday, are now crused and dashed to pieces.

Thus a Popish King undoes at once the Heretick Party in his own Reign, and the *Roman Catholick* in the next: And then who is it, that he either does, or can make happy? Why nothing but an Atheist, he that believes there is no God, and so makes the Name of the most fashionable Religion the Bawd to his Pleasures and Preferments; or at best that *Lazitudinarian Believer*, that can kneel to a *Crucifix* to day, and burn to-morrow. This, and this only Principle, can be safe under a Papist; and these are the only Men that in their right Wits ought to be unconcern'd at the Danger of a Popish Successor.

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*A Just and Modest Vindication of the Proceedings of the
two last Parliaments of King CHARLES the
Second.*

THE Amazement which seiz'd every good Man upon the unlook'd for Dissolution of two Parliaments, within three Months, was not greater than at the sight of a Declaration pretending to justify, and give Reasons for such extraordinary Proceedings.

It is not to be denied, but that our Kings have in a great measure been intrusted by the Kingdom with the appointment of the times of Parliaments Sitting, and declaring their Dissolutions. But least through defect of Age, Experience, or Understanding, they should at any time forget, or mistake our Constitution; or by Passion, private Interest, or the influence of ill Counsellors, be so far misled as not to Assemble Parliaments when the Publick Affairs require it; or to declare them Dissolved, before the Ends of their Meeting were accomplished: The Wisdom of our Ancestors has provided, by divers Statutes, both for the holding Parliaments annually, and oftner if need be; and that they should not be Prorogued or Dissolved till all the Petitions and Bills before them were answered and redressed.

The Constitution had been equally imperfect and destructive of itself, had it been left to the Will and Choice of the Prince, whether he would ever summon a Parliament, or put into his Power to dismiss them Arbitrarily at his Pleasure.

That Parliaments should be called, and sit according to the Laws, is secured to us by the same sacred Tie, by which the King at his Coronation obliges himself to let his Judges sit to distribute Justice every Term, and to preserve inviolably all other Rights and Liberties of his Subjects. Therefore abruptly to dissolve Parliaments at such a Time, when nothing but the Legislative Power, and the united Wisdom of the Kingdom could relieve us from our just Fears, or secure us from our certain Dangers, is very unsuitable to the great Trust reposed in the Prince, and seems to express but little of that Affection which we will always hope his Majesty bears towards his People and the Protestant Religion.

But 'tis not only of the Dissolution it self that we complain; the manner of doing it, is unwarranted by the Precedents of former Times, and full of dangerous Consequences. We are taught by the Writ of Summons, that Parliaments are never called without the Advice of the Council; and the Usage of all Ages has been never to send them away without the same Advice. To forsake this safe Method, is to expose the King personally to the Reflections and Censures of the whole Nation for so ungrateful an Action.

Our Laws have taken care to make the King always dear to his People, and to preserve his Person Sacred in their Esteem, by wisely preventing him from appearing as Author of any thing which may be unacceptable to them. 'Tis therefore that he doth not execute any considerable Act of Regal Power, till it be first debated and resolved in Council, because then 'tis the Counsellors must answer for the Advice they give, and are punishable for such Orders as are Irregular and Illegal.

Nor can his Ministers justify any unlawful Action under the colour of the King's Commands, since all his Commands that are contrary to Law, are void; (which is the true Reason of that well-known Maxim, *That the King can do no Wrong.*) A Maxim just in it self, and alike safe for the Prince, and for the Subject, there being nothing more absurd, than that a Favourite should excuse his enormous Actions by a pretended Command, which we may reasonably suppose he first procured to be laid upon himself: But we know not whom to charge with Advising this last Dissolution: It was a Work of Darkness; and if we are not misinform'd, the Privy Council was as much surpriz'd at it as the Nation.

Nor will a future Parliament be able to charge any Body as the Author or Adviser of the late Printed Paper, which bears the Title of *His Majesty's Declaration*, though every good Subject ought to be careful how he calls it so. For his Majesty never speaks to his People as a King, but either personally in his Parliament, or at other times under his Seal, for which the Chancellor, or other Officers are responsible, if what passes them be not warranted by Law: Nor can the Direction of the Privy Council, enforce any thing upon the People, unless that Royal and Legal Stamp gives it an Authority. But this Declaration comes abroad without any such Sanction, and there

4 Ed. 3. c.
14. 36. Ed. 2.
c. 10. See the
Parliament
Roll, 2 Ric. 2.
num. 28.
See the Antiq.
modo rependit
Parliament.

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is no other Ground to ascribe it to his Majesty, than the uncertain Credit of the Printer, whom we will easily suspect of an Imposture, rather than think the King would deviate from the approved course of his Illustrious Ancestors, to pursue a New and Unsuccessful Method.

The first Declaration of this sort which I ever met with, being that which was published in the Year 1628. which was so far from Answering the Ends of its coming out, that it filled the whole Kingdom with Jealousies, and was one of the first sad Causes of the ensuing unhappy War.

The Truth is, Declarations to justify what Princes do, must always be either needless or ineffectual. Their Actions ought to be such as may recommend themselves to the World, and carry their own Evidence with them of their Usefulness to the Publick; and then no Arts to justify them will be necessary. When a Prince descends so low as to give his Subjects Reasons for what he has done, he not only makes them Judges whether there be any weight in those Reasons, but by so unusual a Submission gives cause to suspect, that he is conscious to Himself, that his Actions want an Apology. And if they are indeed unjustifiable, if they are opposite to the Inclinations, and apparently destructive of the Interest of his Subjects, it will be very difficult for the most eloquent or Insinuating Declaration to make them in Love with such things. And therefore they did certainly undertake no easie Task in pretending to persuade Men who see themselves exposed to the restless Malice of their Enemies, who observe the languishing Condition of the Nation, and that nothing but a Parliament can provide Remedies for the great Evils which they Feel and Fear; that two several Parliaments, upon whom they had placed all their Hopes were so suddenly broken out of Kindness to them, or with any Regard to their Advantage. It was generally believed, that this Age would not have seen another Declaration, since * Coleman's was so unluckily Published before its time: Not only because thereby the World was taught how little they ought to rely upon the sincerity of such kind of Writings; but because that was a Master-piece which could hardly be equal'd, and our present Ministers may well be out of Countenance, to see their Copy fall so very much short of the Original.

* See the Declaration prepared by Coleman, by the Advice of the French King's Confessor, for dissolving the Parliament to prepare for Popery.

But should this Declaration be suffered to go abroad any longer, under the Royal Name, yet it will never be thought to have proceeded from his Majesty's Inclination, or his Judgment, but to be gained from him by the Artifices of the same Ill Men, who not being content to have prevailed with him to Dissolve two Parliaments, only to protect them from publick Justice, do now hope to excuse themselves from being thought the Authors of that Council, by making him openly to avow it. But they have discovered themselves to the Kingdom, and have told their own Names, when they number amongst the great Crimes of the House of Commons their having Declared divers Eminent Persons Enemies to the King and Kingdom.

'Tis our Happiness that the Cunning of those Eminent Persons is not equal to their Malice, in that they should thus unwarily make themselves known when they had so secretly, and with so much caution given the pernicious Advice. None could be offended at the Proceedings of the Parliaments, but they who were obnoxious; none could be concerned to vindicate the Dissolution, but they who had advised it. But they have performed this last Undertaking after such a sort, that they have left themselves not only without Justification, but without all Pretence hereafter. The People were willing to think it the unfortunate Effect of some sudden precipitate Resolution; but since they have now publicly assured us, that it was the Result of Council and Deliberation, they cannot blame us for hoping one Day to see Justice done upon such Councillors.

But though to the Dishonour of our Country it does appear, that some Englishmen were concerned in the unhappy Advice of breaking the two last Parliaments and setting up this pretended Defence of it; yet the *Gallicisms* which are found in the Paper, shew the Writer to have been of another Nation, or at least to have had his Thoughts so much taken up for the Interests of France (whilst he was labouring this way to heighten and perpetuate the Differences between the King and the People) that he could not express himself in any other Idiom than theirs, he would not otherwise have introduced the King, saying, *That it was a matter extremely sensible to Us*; a Form of Speech peculiar to the French, and unknown to any other Nation. The Reader (who understands that Language) will observe so many more of this kind as will give him just cause to doubt, whether the whole Paper was not a Translation, and whether the English one, or that which was published in French, was the Original?

Let us then no longer wonder, that the Time of Dissolving our Parliaments, is known at Paris sooner than at London, since 'tis probable, the Reasons now given for it, were formed there too. The Peers at Oxford were so totally ignorant of the Council, that they never once thought of a Dissolution till they heard it pronounced;

but

but the Dutcheſs of *Maxarine* had better Intelligence, and published the News at St. James's many hours before it was done. The Declaration was not communicated to the Privy Council, till Friday the 8th. of April, when his Majesty (according to the late Method) did graciously declare to them his Pleasure, to set it forth, without desiring from them any Advice in the matter; but Monsieur *Barillon*, the French Ambassadour, did not only read it to a Gentleman the Fifth of April, but advised with him about it, and demanded his Opinion of it, which his Excellency will the better remember, because of the great Liberty which the Person took in ridiculing it to his Face. Good God! to what a Condition is this Kingdom reduced, when the Ministers and Agents of the only Prince in the World, who can have Designs against, or of whom we ought to be afraid, are not only made acquainted with the most secret Passages of State but are made our Chief Ministers too, and have the principal Conduct of our Affairs. And let the World judge if the Commons had not reason in their Vote, when they declared those Eminent Persons, who manage things at this rate, To be the Enemies to the King and Kingdom, and Promoters of the French Interest.

Whoſoever conſiders the Actions of our Great Men, will not think it ſtrange that they ſhould be hard put to it to find out Reasons which they might give for any of them, and they have had very ill luck when ever they went about it. That Reason which they had given for Dissolving Three several Parliaments successively, is now grown ridiculous, That the King was resolved to meet his People, and to have their Advice in frequent Parliaments, since every Man took notice, that as soon as the Ministers began to suspect that his Majesty was inclined to hearken to and pursue their Advice; those very Parliaments were presently dissolved. This was all the Ground and Cause which was thought of for breaking the last Parliament at Westminster, when the Proclamation of the 16th. of January, 1680, was published, but they have now better, and have found out Faults enough to swell into a Declaration, and yet as much offended as they are with this Parliament, they seem more highly angry with that which followed at Oxford.

Nor is it at all strange that it should fall out so: For the Court never did yet Dissolve a Parliament abruptly, and in Heat, but they found the next Parliament more averse, and to insist upon the same things with greater Eagerness than the former. English Spirits resent no Affronts so highly as those which are done to their Representatives; and the Court will be sure to find the effects of that Resentment in the next Election. A Parliament does ever participate of the present Temper of the People. Never were Parliaments of more different Complexions than that of 1640. and that of 1661. Yet they both exactly answered the Humours which were predominant in the Nation, when they were respectively chosen. And therefore while the People do so universally hate and fear France and Popery, and do so well understand who they are who promote the French and Popish Interests, the Favourites do but cozen themselves to think that they will ever send up Representatives less zealous to bring them to Justice, than those against whom this Declaration is published. For surely this Declaration (what great things soever may be expected from it) will make but very few Converts, not only because it represents things as high Crimes, which the whole Kingdom has been celebrating as meritorious Actions, but because the People have been so often deceived by former Declarations, that whatsoever carries that Name, will have no Credit with them for the future. They have not yet forgotten the Declaration from Breda, though others forgot it so soon, and do not spare to say, that if the same Diligence, the same earnest Solicitation, had been made use of in that Affair, which have been since exercised directly contrary to the Design of it, there is no doubt but every part of it would have had the desired Success, and all his Majesty's Subjects would have enjoyed the Fruits of it, and have now been extolling a Prince so careful to keep sacred his Promises to the People.

If we did take notice of the several Declarations, published since that which we have last mentioned, we shall find they signify as little; and therefore we will only remember the last, made the 20th. of April, 1679, and declared in Council and in Parliament, and after published to the whole Nation; Wherein his Majesty owns, that he is sensible of the ill Posture of his Affairs, and the great Jealousies and Dissatisfaction of his good Subjects, whereby the Crown and Government was become too weak to preserve it self, which proceeded from his use of a single Ministry, and of private Advices; and therefore professes his Resolution, to lay them wholly aside for the future, and to be advised by those able and worthy Persons, whom he had then chosen for his Council, in all his weighty and important Affairs. But every Man must acknowledge that either his Majesty has utterly forgotten this publick and solemn Promise, or else that nothing weighty and important has happened from that time to this very Day.

As for the Declaration read in our Churches the other Day, there needs no other Argument to make us doubt of the reality of the Promises which it makes, then to conſi-

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consider how partially, and with how little Sincerity the things which it pretends to relate, are therein represented. It begins with telling us in his Majesty's Name, That it was with exceeding great Trouble that he was brought to dissolve the two last Parliaments, without more Benefit to the People by the Calling of them. We should question his Majesty's Wisdom, did we not believe him to have understood, that never Parliaments had greater Opportunities of doing good to himself and to his People. He could not but be sensible of the Dangers, and of the Necessities of his Kingdom; and therefore could not without exceeding great Trouble, be prevailed upon for the sake of a few desperate Men (whom he thought himself concern'd to love now, only because he had loved them too well, and trusted them too much before;) not only to disappoint the Hopes and Expectations of his own People, but of almost all Europe. His Majesty did indeed do his part, so far, in giving Opportunities of providing for our good, as the calling of Parliaments does amount to, and it is to be imputed to the Ministers only, that the Success of them did not answer His and Our Expectations.

'Tis certain, it cannot be imputed to any of the Proceedings of either of those Parliaments; which were composed of Men of as good Sense and Quality as any in the Nation, and proceeded with as great Moderation, and managed their Debates with as much as was ever known in any Parliament. If they seem'd to go too far in any thing His Majesty's Speeches or Declarations had mislead them, by some of which they had been invited to enter into every one of those Debates, to which so much Exception has been since taken.

Speech 21.
Octob. 1680.

Did not he frequently recommend the Prosecution of the Plot to them, with a strict and impartial Inquiry? Did he not tell them, That he neither thought himself nor them safe, till that matter was gone through with?

Speech 30.
April 1679.

Did he not in his Speech of the 30th. of April, 1689, assure them, that it was his constant Care to secure our Religion for the future in all Events, and that in all things which concern'd the publick Security, he would not follow their Zeal but lead it? Has he not often wish'd, That he might be able to exercise a Power of Dispensation in reference to those Protestants, who through Tenderneſs of misguided Conscience did not conform to the Ceremonies, Discipline, and Government of the Church? And promised that he would make it his special Care to incline the Wisdom of the Parliament to concur with him, in making an Act to that purpose.

Speech 26.
Decem. 1662.

And least the Malice of ill Men might object, that these gracious Inclinations of his continued no longer, than while there was a possibility of giving the Papiſts equal benefit of a Toleration; has not his Majesty since the Discovery of the Plot, since there was no hopes of getting so much as a convenience for them, in his Speech of the 6th. of March 1679, express'd his Zeal not only for the Protestant Religion in general, but for an Union amongst all sorts of Protestants? And did he not command my Lord Chancellor at the same time to tell them, That it was necessary to distinguish between Popish and other Recusants, between them that would destroy the whole Flock, and them that only wander from it.

Speech 6.
March 1679.

These things considered, we should not think the Parliament went too far, but rather that they did not follow his Majesty's Zeal with an equal pace. The Truth is, if we observe the daily provocations of the Popish Faction, whose Rage and Insolence were only increased by the Discovery of the Plot; so that they seemed to deſe Parliaments, as well as inferior Courts of Justice, under the Protection of the Duke, (their publicly avowed Head) who still carried on their Designs by new and more detestable Methods than ever, and were continually busie, by Perjuries and Subordinations, to charge the best and most considerable Protestants in the Kingdom with Treasons, as black as those of which themselves were guilty. If we observe what vile Arts were used to hinder the further Discovery, what Liberty was given to reproach the Discoverers, what means used to destroy or to corrupt them; how the very Criminals were encouraged and allowed to be good Witnesses against their Accusers: We should easily excuse any English Parliament thus beset, if they had been carried to some little Excesses. But yet all this could not provoke them to do any thing not justifiable by the Laws of Parliament, or unbecoming the Wisdom and Gravity of an English Senate.

But we are told, That his Majesty Opened the last Parliament which was held at Westminster, with as Gracious Expressions of his Readiness to satisfy the Desires of his Subjects, and to secure them against all just Fears, as the weightier consideration, either of preserving the Established Religion and Property of his Subjects at Home, or of supporting His Neighbours and Allies Abroad, could fill his Heart with. We must own that his Majesty has Opened all his Parliaments at Westminster with very gracious Expressions. Nor have we wanted the Evidence of His Readiness to satisfy the desire of His Subjects; but that sort of Evidence will soon lose its Force, if it be never followed by Actions correspondent, by which only the World can judge of the sincerity of Expressions or Inten-

Intentions. And therefore the Favourites did little consult his Majesty's Honour, when they bring him in solemnly declaring to his Subjects, *That his Intentions were as far as would have consisted with the very Being of the Government, to have complied with any thing that could have been proposed to him to accomplish those Ends*: when they are not able to produce an Instance wherein they suffered him to comply in any one thing. Whatsoever the House of Commons address'd for, was certainly denied, though it was only for that Reason; and there was no surer way of entitling ones self to the Favour of the Court, than to receive a Censure from the Representative Body of the People.

Let it for the present be admitted, that some of the things desired by that Parliament were exorbitant, and (because we will put the Objection as strong as is possible) inconsistent with the very being of the Government; yet at least, some of their Petitions were more reasonable. The Government might have subsisted, tho' the Gentlemen, put out of the Commission of the Peace, for their zealous acting against the Papists, had been restored; nor would a final Dissolution of all things have ensued, tho' Sir George Jefferies had been removed out of Pulick Office, or my Lord H—allifax himself from his Majesty's Presence and Councils. Had the Statute of the 35 Eliz. (which had justly slept for Eighty Years, and of late unreasonably revived) been repealed, surely the Government might have still been safe. And tho' the Fanatics perhaps had not deserved so well, as that in favour to them His Majesty should have passed that Bill; yet since the Repeal might hereafter be of so great use to those of the Church of England, in case of a Popish Successor, (which Blessing His Majesty seems resolv'd to bequeath to his People) one would have thought he might have complied with the Parliament in that Proposal. At least, we should have had less reason to complain of the Refusal, if the King would have been but graciously pleas'd to have done it in the ordinary way.

But the Ministers thought they had not sufficiently triumphed over the Parliament, by getting the Bill rejected, unless it were done in such a manner as that the President might be more pernicious to Posterity, by introducing a new *Negative* in the making of Laws, than the losing of any Bill, how useful soever, could be to the present Age. This we may affirm, that if the success of this Parliament did not answer Expectation, whoever was guilty of it, the House of Commons did not fail of *doing their part*. Never did Men husband their time to more Advantage. They opened the Eyes of the Nation; they shew'd them their danger, with a freedom becoming English-men. They asserted the Peoples Right of Petitioning: They proceeded vigorously against the Conspirators discovered, and heartily endeavoured to take away the very Root of the Conspiracy: They had before them as many great and useful Bills as had been seen in any Parliament, and it is not to be laid at their doors that they proved Abortive. This Age will never fail to give them their grateful Acknowledgments, and Posterity will remember that House of Commons with Honour.

We come now to the particular enumeration of those Gracious things which were said to the Parliament at Westminster. His Majesty ask'd of them, *The supporting the Alliance he had made for the Preservation of the General Peace in Christendom*. 'Tis to be wish'd His Majesty had added to this gracious Asking of Money, a gracious Communication of those Alliances, and that such blind Obedience had not been exacted from them, as to contribute to the Support of they knew not what themselves; nor before they had considered whether those Alliances which were made, were truly design'd for that End which was pretended, or any way likely to prove effectual to it. Since no Precedent can be shewn, that ever a Parliament (not even the late Long Parliament, tho' filled with D—unby Pensioners) did give Money for maintaining any Leagues, till they were first made acquainted with the particulars of them.

But besides this, the Parliament had reason to consider well of the General Peace it self, and the Influence of it might have, and had upon our Affairs, before they came to any resolution, or so much as to a Debate about preserving it; since so wise a Minister as my Lord Chancellor had so lately told us, *That it was sifter for Meditation than Discomse*. He inform'd us in the same Speech, That the Peace then was but the effect of Dispair in the Confederates; and we have since learn'd by whose means they were reduced to that Dispair; and what Price was demanded of the French King for so great a Service, And we cannot but be sadly sensible, how by this Peace, that Monarch has not only quite dissolved the Confederacy form'd against him, enlarged his Dominions, gain'd time to refresh his Souldiers harrassed with long Service, settled and compos'd his Subjects at home, increased his Fleet, and replenish'd his Exchequer for new and greater Designs; but his Pensioners at our Court have grown insolent upon it, and presuming that now he may be at leisure to assist them in ruining England, and the Protestant Religion together, have shaken off all dread of Parliaments, and have prevail'd with his Majesty to use them with as little respect, and to disperse them with as great contempt, as if they had been a Conventicle, and not the great Representative of the Nation, whose Power and Wisdom only could save him and us, in our present Exigencies.

Lord Chancellor's Speech 23 May, 1678.

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But whatever the Design of them was, or the Effect of them is like to be, yet Alliances have a very good sound, and a Nation so encompassed with Enemies abroad, and Traitors and Pensioners to those Enemies at home, must needs be glad to hear of any new Friends. But alas, if we look into the Speech made at the Opening of that Parliament, we shall find no mention of any new Ally except the *Spaniard*, whose Affairs at that time, through the Defects of his own Government, and the Treachery of our Ministers, were reduced to so desperate a state, that he might well be a Burden to us; but there was little to be hoped from a Friendship with him, unless by the Name of a League, to recommend our Ministers to a new Parliament, and cozen Country Gentlemen out of their Money. But upon perusal of that League, it appears by the third, fourth and fifth Articles, that it was like to create us trouble enough; for it engages us indefinitely to enter into all the Quarrels of the *Spaniards*, though they happened in the *West-Indies*, or the *Philippine Islands*, or were drawn upon himself by his own Injustice or causeless Provocations. By this we shall be obliged to espouse his Difference with the Duke of *Brandenburgh*, though all that Duke did, was according to the Law of Nations, to Reprize *Spanish Ships* for a just Debt frequently demanded in vain. By this we shall be obliged to engage in his present War with the *Portuguese*, though he by his violent seizing of the Island of *St. Gabriel*, which had long been in their peaceable possession, without once demanding it of them, has most justly provoked the *Portuguese* to invade *Spain*. Nor are we bound only to assist him in case of an Invasion, but in case of any Disturbance whatsoever, which must be intended of intestine Troubles (and it is so directly explained in the secret Article, which all *Europe* says was signed at the same time.) So that if the present King of *Spain* should imitate his Great Grandfather, *Philip* the Second, and oppress any of his Subjects, as cruelly as he did those of the Low-Countries, and so force them to a necessary Self defence, we have renounced the Policy of our Ancestors, who thought it their Interest as well as their Duty to succour the Distressed; and must not only aid him with Eight thousand Men for three Months, to make those People Slaves, but if the matter cannot be composed in that time, make War upon them, with our whole Force, both by Land and Sea. But that which concerns us yet nearer in this League, is, that this Obligation of Assistance was mutual; so that if a Disturbance should happen hereafter in *England*, upon any attempt to change our Religion, or our Government, though it was in the time of his Majesty's Successors, the most Catholick King is obliged by this League (which we are still to believe was entered into, for the security of the Protestant Religion, and the Good of the Nation) to give Aid to so pious a Design, and to make War upon the People with all his Forces both by Land and Sea. And therefore it was no wonder that the Ministers were not forward in shewing this League to the Parliament, who would soon have observed all these Inconveniencies, and have seen how little such a League could contribute to the preserving the General Peace, or to the Securing of *Flanders*, since the *French King* may within one Month's time possess himself of it, and we by the League are not obliged to send our Succours till Three Months after the Invasion. So that they would upon the whole matter, have been inclined to suspect, that the main end of this League was only to serve for a handsome pretence to raise an Army in *England*, and if the People here should grow discontented at it, and any little Disorders should ensue, the *Spaniard* is thereby obliged to send over Forces to suppress them.

The next thing recommended to them, was the farther Examination of the Plot, and every one who has observed what has passed for more than two Years together, cannot doubt that this was sincerely desired by such as are most in Credit with his Majesty; and then surely the Parliament deserved not to be censured upon this Account, since the Examination of so many new Witnesses, the Tryal of the Lord *Stafford*, the great Preparations for the Tryals of the rest of the Lords, and their diligent Enquiry into the horrid *Irish Treasons*, shew that the Parliament wanted no Diligence to pursue his Majesty's good Intentions in that Affair.

Address presented 21 Dec.
1680.
Address presented 29 Nov.
1680.

And when His Majesty desired from the Parliament, their Advice and Assistance concerning the Preservation of *Tangier*; the Commons did not neglect to give it its due Consideration. They truly represented to Him how that important place came to be brought into such Exigencies, after so vast a Treasure expended to make it useful; and that nothing better could be expected of a Town, for the most part put under Popish Governors, and always fill'd with a Popish Garrison. These were Evils in His Majesty's own Power to redress, and they advised him so to it; nor did they rest there, but promise to assist him in defence of it, as soon as ever they could be reasonably secured, that any Supply which they gave for that purpose, should not be used to augment the Strength of our Popish Adversaries, and to increase our Dangers at Home. They had more than once seen Money employed directly contrary to the end for which it was given by Parliament, and they had too great cause of Fear it might be so again; and they

they knew that such a Misemployment would have been fatal at that Time. But above all, they considered the imminent Danger which threatned them with certain Ruine at Home, and therefore justly thought, that to leave the Consideration of *England* to provide for *Tangier*, would be to act like a Man that should send his Servants to mend a Gap in his Hedge when he saw his House on Fire, and his Family like to be consumed in it.

We are next told, That His Majesty offered to concur in any Remedies that could be proposed for the Security of the Protestant Religion; and we must own that he did indeed make such an Offer; but he was pleased to go no farther, for those Remedies which the Commons tendered, were rejected, and those which they were preparing, were prevented by a Dissolution.

We have seen the great Things which the King did on his part; let us now reflect on those Instances which are singled out as so many unsuitable Returns of the Commons. They are complained of for presenting Addresses in the nature of Remonstrances rather than Answers. Under what unhappy Circumstances do we find our selves, when our Representatives can never behave themselves with that Caution, but they will be misinterpreted at Court? If the Commons had return'd Answer to His Majesty's Messages, without shewing upon what Grounds they proceeded, they had then been accused as Men acting peremptorily, and without reason; if they modestly express the Reasons of their Resolutions, they are then said to remonstrate. But what the Ministers would have this word Remonstrance signifie, what Crime it is they mean thereby, to charge the Commons with, is unknown to an English Reader. Perhaps they who are better Criticks, and more French-men, know some pernicious thing which it imports. If they mean by a Remonstrance, a declaring the Causes and Reasons of what they do, it will not surely be imputed as a fault in them, since 'tis a way of proceeding which his Majesty's Ministers have justified by their own Example, having in his Majesty's Name vouchsafed to declare the Causes and Reasons of his Actions to his People.

But the Commons made Arbitrary Orders for taking Persons into Custody, for Matters that had no Relation to Privileges of Parliament. The Contrivers of this Declaration, who are so particular in other things, would have done well to have given some instances of these Orders.

If they intend by these General Words, to reflect on the Orders made to take those degenerate Wretches into Custody, who published under their Hands their Abhorrences of Parliaments, and of those who in an humble and lawful manner Petitioned for their Sitting, in a time of such extream necessity. Surely they are not in good earnest, they cannot believe themselves, when they say, That these Matters had no Relation to Privileges of Parliament. If the Privileges of Parliament be concern'd when an Injury is done to any particular Member, how much more is it touched when Men strike at Parliaments themselves, and endeavour to wound the very Constitution? If this be said with relation to *Sheridon*, who has since troubled the World with so many idle impudent Pamphlets upon that account, 'tis plain that his Commitment was only in order to examine him about the Popish Plot, and his Endeavours to stifle it, (though his contemptuous Behaviour to the House, deserved a much longer Confinement) and 'twas Insolence in him to Arraign their Justice, because they did not instantly leave all their great Debates to dispatch the business relating to him.

Thompson of *Bristol*, was guilty of divers great Breaches of Privilege; but yet his Commitment was only in order to an Impeachment; and as soon as they had gone through with his Examination, they ordered him to be set at Liberty, giving Security to answer the Impeachment which they had voted against him. But is it a thing so strange and new to the Authors of the Declaration, that the House of Commons should order Men to be taken into Custody for Matters not relating to Privilege? Have they not heard, that in the 4 *Edw. VI.* *Crikerost* was committed for Confederating in an Escape; that 18 *Jac.* *Sir Francis Mitchel* was committed for Misdemeanors, in procuring a Patent for the Forfeitures of Recognizances, together with *Fowles Gerrard*, and divers others, (none of which were Members of Parliament) that 20 *Jac.* *Dr. Harris* was taken into Custody for misbehaving himself in Preaching; and that 3 *Car.* *Burgess* was committed for Faults in Catechizing, and *Levet* for presuming to exercise a Patent, which had been adjudged a Grievance by a Committee of the Commons in a former Parliament.

There would be no end of giving Instances of those Commitments, which may be observed in almost every Parliament, so that the House of Commons did but tread in the steps of their Predecessors, and these sorts of Orders were not new, though the Declaration takes the liberty to call them Arbitrary. The Commons had betrayed their Trust, if they had not asserted the Right of Petitioning, which had been just before shaken by such a strange illegal and arbitrary Proclamation.

But now we come to the transcendent monstrous Crimes, which can never be forgiven

given by the Ministers, the giving them their due Character, which every Man of Understanding had fix'd upon them long before: the whole Current of their Counsels being a full Proof of the Truth of the Charge. But what colour is there for calling these Votes illegal? *Is it illegal for the Commons to impeach Persons, whom they have good reason to judge Enemies to the King and Kingdom? Is it illegal to determine by a Vote (which is the only way of finding the Sence of the House) who are wicked Counsellors, and deserve to be impeach'd? Could the Commons have called the Parties accused to make their Answer before themselves? Had they not a proper time for their Defence when they came to their Tryals? And might they not have cleared their Innocence much better (if they durst have put that in issue) by a Tryal, than a Dissolution of the Parliament?* But should we grant that these Votes were not made in order to an Impeachment, yet still there is nothing illegal, nothing extraordinary in them. For the Commons in Parliament, have ever used two ways in delivering their Country from pernicious and powerful Favourites, the one is in a Parliamentary Course of Justice by Impeaching them, which is used when they judge it needful to make them Publick Examples, by Capital, or other high Punishments, for the terror of others: The other is by immediate Address to the King to remove them as unfaithful or unprofitable Servants. Their Lives, their Liberties or Estates are never endangered, but when they are proceeded against in the former of these ways. Then legal Evidence of their Guilt is necessary, then there must be a proper time allowed for their defence. In the other way the Parliament act as the King's great Council; and when either House observe that Affairs are ill administr'd, that the Advice of Parliaments is rejected or slighted, the Course of Justice perverted, our Councils betray'd, Grievances multiplied, and the Government weakly and disorderly managed, (of all which our Laws have made it impossible for the King to be guilty.) They necessarily must, and always have charg'd those who had the Administration of Affairs, and the King's Ear, as the Authors of these Mischiefs, and have from time to time applied themselves to him by Addresses for their Removal from his Presence and Councils. There be many things plain and evident beyond the Testimony of any Witnesses, which yet can never be proved in a legal way. If the King will hearken to none but two or three of his Minions, must we not conclude that every thing that is done comes from their Advice? And yet, if this way of representing things to the King were not allowed, they might easily frustrate the Enquiries of a Parliament. It is but to whisper their Counsels, and they are safe. The Parliament may be busied in such great Affairs, as will not suffer them to pursue every Offender through a long Process; and besides, there may be many Reasons why a Man should be turn'd out of a Service, which perhaps would not extend to subject him to punishment. The People themselves are highly concern'd in the great Officers and Ministers of State, who are Servants to the Kingdom as well as to the King. And the Representative of the People, the Commons, whose business it is to present all Grievances, as they are most likely to observe soonest the Folly and Treachery of those publick Servants, (the greatest of all Grievances) so this Representation ought to have no little weight with the Prince. This was understood so well by *H. IV.* a wise and brave Prince, that when the Commons complain'd against four of his Servants and Counsellors, desiring they might be removed, he came into Parliament, and there declared openly, That tho' he knew nothing against them in particular, yet he was assured that what the Lords and Commons desired of him, was for the good of himself and his Kingdom; and therefore he did comply with them, and banish'd those four Persons from his Presence and Councils, declaring at the same time, That he would do so by any others who should be near his Royal Person, if they were so unhappy to fall under the Hatred and Indignation of his People. The Records and Histories of the Reigns of *Edward the First, Edward II. Edward III.* and indeed of all other succeeding Kings, are full of such Addresses as these; but no History or Record can shew that ever they were called Illegal or Unparliamentary till now.

*Rot. Parl. 5.
H. 4. No. 6.*

Then the Ministers durst not appeal to the People against their own Representatives, but ours at present have either got some new Law in the Point, or have attained to a greater degree of Confidence, than any that went before them. The best of our Princes have with thanks acknowledged the Care and Duty of their Parliaments, in telling them of the Corruption and Folly of their Favourites. *Edward I. Edward III. Henry V.* and *Queen Elizabeth* never fail'd to do it, and no Names are remembered with greater Honour in the English Annals. Whilst the disorderly, the troublesome and unfortunate Reigns of *Henry III. Edward II. Richard II.* and *Henry VI.* ought to serve as Land marks to warn succeeding Kings from preferring secret Councils to the Wisdom of their Parliaments.

But none of the Proceedings of the House of Commons have been more censured at Court, and with less Justice, than their Vote about the Anticipation of several

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Branches of the Revenue. An Objection which could proceed from nothing, but a total ignorance of the Nature of Publick Treasure in our own, and all other Nations, which was ever esteem'd Sacred and Unalienable. All the Acts of Resumption in the times of *H. IV. H. VI.* and other of our Kings, were founded upon this Maxim, otherwise there could not be conceived any grosser Injustice, than to declare Alienations to be void, which Kings had lawful Power to make. It was upon this Maxim that the Parliament declared the Grant to the Pope of the yearly Sum of 1000 Marks, wherewith King *John* had charg'd the Inheritance of the Crown, to be null. It was for this cause that in the year 1670, his Majesty procured, an Act of Parliament, to enable him to sell the Fee-Farm Rents, and it is the best excuse that can be made for those Ministers who in the Year 1672, advised the post-poning of all Payments to the Bankers out of the Exchequer, that they judg'd all Securities by way of Anticipation of the Revenue, illegal and void in themselves.

Resumptions have been frequent in every Kingdom, the King of *Sweden* within these few Months, has by the Advice of the States, resum'd all the Lands which his Predecessors had in many Years before granted from the Crown. No Country did ever believe the Prince, how absolute soever in other things, had Power to sell or give away the Revenue of the Kingdom, and leave his Successor a Beggar. All those Acts of the *Roman* Emperours, whereby they wasted the Treasure of the Empire, were rescinded by their Successors; and *Tacitus* observes, that the first of them that lookt upon the Publick Treasure as his own, was *Claudius*, the weakest and most foolish of them all. The present King of *France* did within these twelve Years, by the consent of his several Parliaments, resume all the Demesnes of the Crown which had been granted away by himself or his Predecessors. That haughty Monarch, as much Power as he pretends to, not being ashamed to own that he wanted Power to make such Alienations, and that Kings had that happy inability, that they could do nothing contrary to the Laws of their Country. This Notion seems founded in the Reason of Mankind, since Barbarism itself cannot efface it. The *Ottoman* Emperours dispose Arbitrarily of the Lives and Estates of their Subjects, but yet they esteem it the most detestable Wickedness, to employ the Tributes and Growing Revenues of the Provinces, (which they call the Sacred Blood of the People;) upon any other than publick Occasions. And our Kings *H. IV.* and *H. VII.* understood so well the different Power they had in using their private Inheritances and those of the Crown, that they took Care, by Authority of Parliament, to separate the Dutchy of *Lancaster* from the Crown, and to keep the Descent of it distinct. But our present Courtiers are quite of another Opinion, who speak of the Revenue of the Crown as if it were a private Patrimony, and design'd only for Domestick uses, and for the Pleasure of the Prince.

Traite des
droits de la
Reine.
Ont cette bien
heureuse im-
puissance de ne
pouvoir rien
faire contre
les Loys de
leur Pais. Po-
stellus de Re-
bus Turcicis.

The Revenues of the Crown of *England* are in their own Nature appropriated to Publick Service, and therefore cannot without Injustice be diverted or anticipated. For either the Publick Revenue is sufficient to answer the necessary Occasions of the Government, and then there is no Colour for Anticipations, or else by some extraordinary accident the King is reduced to want an extraordinary Supply, and then he ought to resort to his Parliament. Thus wisely did our Ancestors provide, that the King and his People should have frequent need of one another, and by having frequent Opportunities of mutually relieving one anothers Wants, be sure ever to preserve a dutiful Affection in the Subject, and a Fatherly Tenderness in the Prince. When the King had Occasion for the Liberality of his People, he would be well inclin'd to hear and redress their Grievances, and when they wanted Ease from Oppressions they would not fail with Alacrity to supply the Occasions of the Crown. And therefore it has ever been esteem'd a Crime in Counsellors who perswaded the King to anticipate his Revenue, and a Crime in those who furnish'd Money upon such Anticipations in an extraordinary way, however extraordinary the Occasion might be. For this cause it was that the Parliament in the 35th. of *H. 8.* did not only discharge all those Debts which the King had contracted, but Enacted that those Lenders who had been before paid again by the King, should refund all those Sums into the Exchequer, as judging it a reasonable Punishment, to make them forfeit the Money they lent, since they had gone about to introduce so dangerous a Precedent.

The true way to put the King out of a possibility of supporting the Government, is to let him waste in one Year that Money, which ought to bear the Charge of the Government for Seven. This is the direct Method to destroy the Credit of the Crown both Abroad and at Home. If the King resolve never to pay the Money which he borrows, what Faith will be given to Royal Promises, and the Honour of the Nation will suffer in that of the Prince; and if it must be put upon People to repay it, this would be a way to impose a necessity of giving Taxes without end, whether they would or no. And therefore (as Mercenary as they were) the Pensioners would never discharge the Revenue of the Anticipations to the Bankers. Now the Commons having the Inconve-

nience of this before their Eyes in so fresh an Instance, and having their Ears fill'd with the daily Cries of so many Widows and Orphans, were obliged in Duty to give a publick Caution to the People that they should not run again into the same Error, Nor only because they judged all Securities of that kind absolutely void, but because they knew no future Parliament could without Breach of Trust repay that Money, which was at first borrowed only to prevent the Sitting of a Parliament; and which could never be paid without Countenancing a Method so destructive to our Constitution. Nor have former Parliaments been less careful and nice in giving the least allowance to any unusual ways of taking up Money, without common Consent, having so very often declared, *That the King cannot supply his most pressing Necessities, either by Loans, or by the Benevolence of his Subjects; which by the express words of the Statute, are Damned and Annulled for ever.* But the House of Commons were so cautious of giving any just occasion of Cavil, that they restrained their Votes much more than they needed to have done: For they extended them only to Three Branches of the Revenue, all which were by several Acts of Parliament given to his present Majesty. And surely every one will agree, that when the King receives a Gift from his People, he takes it under such Conditions, and ought to imploy it in such a manner, and for such Purposes as they direct. We must therefore consult the several Acts by which those Branches were setled; if we would judge rightly whether the Commons had not particular Reasons for what they did. The Statute 12 Car. 2. Cap. 4. says, *That the Commons reposing Trust in his Majesty for guarding the Seas against all Persons intending the Disturbance of Trade, and the Invading of the Realm, to that intent to give him the Tonnage and Poundage, &c.* This is as direct an Appropriation as words can make, and therefore as it is manifest wrong to the Subject, to divert any part of this Branch to other uses; so for the King to anticipate it, is plainly to disable himself to perform the Trust reposed in him. And the late long Parliament thought this matter so clear, that about two Years before their Dissolution, they passed a Vote with Relation to the Customs, in almost the same Words. The Parliament which gave the Excise were so far from thinking that the King had Power to change or dispose of it as his own, that by a special Clause in the Act, whereby they give it, they were careful to *impower him to dispose of it, or any part of it by way of Farm, and to Enact, that such Contracts shall be effectual in Law, so as they be not for a longer time than three Years.* The Act whereby the Heath-money was given, declares that it was done to the end, *that the publick Revenue might be proportioned to the publick Charge;* and 'tis impossible that should ever be whilst it is liable to be pre-engaged and anticipated. And the Parliament were so careful to preserve this Tax always clear and uncharg'd, that they made it Penal for any one so much as to accept of any Pension or Grant for Years, or any other Estate, or any Sum of Money out of the Revenue arising by virtue of that Act, from the King his Heirs or Successors. Surely if the Penmen of this Declaration had not been altogether ignorant of our own Laws, and of the Policy of all other Countries and Ages, they would never have Printed these Votes, in hopes thereby to have exposed the Commons to the World. They would not have had the Face to say, that thereby the King, was exposed to Danger, deprived of a possibility of supporting the Government, and reduced to a more helpless Condition than the meanest of his Subjects. This we are sure of, that the inviolable observing of these Statutes, will be so far from reducing his Majesty to a more helpless Condition than the meanest of his Subjects, that it will still leave him in a better Condition than the richest and greatest of his Ancestors, none of which were ever Masters of such a Revenue.

The House of Commons are in the next place accused of a very high Crime, the assuming to themselves a Power of Suspending Acts of Parliament, because they declared that it was their Opinion, *That the Prosecution of Protestant Dissenters upon the Penal Laws, is at this time grievous to the Subject, a weakening of the Protestant Interest, an encouragement to Popery, and dangerous to the Peace of the Kingdom.* The Ministers remembered that not many Years ago, the whole Nation was justly alarm'd upon the assuming an Arbitrary Power of suspending Penal Laws, and therefore they thought it would be very popular to accuse the Commons of such an Attempt. But how they could possibly misinterpret a Vote at that Rate, how they could say the Commons pretended a Power of Repealing Laws, when they only declare their Opinion of the Inconvenience of them, will never be understood till the Authors of this are pleased to shew their Causes and Reasons for it in a Second Declaration. Every impartial Man will own, that the Commons had Reason for this Opinion of theirs. They had with great Anxiety observed, that the present Design of the Papists was not against any one sort of Protestants, but universal, and for extirpating the Reformed Religion. They saw what Advantages these Enemies made of our Divisions, and how cunningly they diverted us from Prosecuting them, by fomenting our Jealousies of one another. They saw the Strength and Nearness of the King of France, and judged of his Inclina-

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tions by his Usage of his own Protestant Subjects. They consider'd the Number and the bloody Principles of the *Irish*, and what Conspiracies were formed there, and even ripe for Execution; and that *Scotland* was already delivered into the Hands of a Prince, the known Head of the Papists in these Kingdoms, and the Occasion of all their Plots and Insolencies, as more than one Parliament had declared. They could not but take notice into what Hands the most considerable Trusts both Civil and Military were put, and notwithstanding all Addresses, and all Proclamations for a strict Execution of the Penal Laws against Papists, yet their Faction so far prevailed, that that they were eluded, and only the Dissenting Protestants smarted under the edge of them. In the midst of such Circumstances was there not cause to think an Union of all Protestants necessary? And could they have any just ground to believe that the Dissenters whilst they lay under the Pressures of severe Laws, should with such Alacrity and Courage as was requisite, undertake the Defence of a Country where they were so ill treated? A long and sad Experience had shew'd how vain the Endeavours of former Parliaments had been to force us to be all of one Opinion, and therefore the House of Commons resolv'd to take a sure way to make us of one Affection. They knew that some busie Men would be striking whilst there were Weapons at hand; and therefore to make us live at Peace, they meant to take away all Occasions of provoking, or being provoked. In order to a general Repeal of these Laws, they first came to a Vote, declaring the necessity of it; to which there was not one Negative in the House: A Vote of this Nature does for the most part precede the bringing in of a Bill for the Repeal of any general Law. And it had been a great Presumption in a particular Member to have asked leave to have brought in a Bill for repealing so many Laws together, till the House had first declared, that in their Opinion they were *grievous and inconvenient*. No *Englishman* could be so ignorant of our Laws, none but a *Frenchman* could have Confidence to declaim against a Proceeding so Regular and Parliamentary as this. Where was the *disregard to the Laws established*, for the Commons to attempt the Abrogating of a Law, that is *grievous to the Subject, and dangerous to the Peace of the Kingdom*? Is it a *Suspending Act of Parliament*, If they declare a Law to be *grievous and dangerous* in their Opinion, before they set about the Repeal of it? And is there any ground to doubt but that a Bill would have passed that House, pursuant to this Vote, had it not been prevented by a Dissolution? Nor was there the least Direction or signification to the *Judges*, which might give any Occasion for the Reflection which follows in the Declaration. The due and impartial Execution of the Laws, is the unquestionable Duty of the *Judges*, and we hope they will always remember that Duty so well, as not to necessitate a House of Commons to do theirs, by calling them to Account for making private Instructions the Rule of their Judgments, and acting as Men who have more regard to their Places than their Oaths. 'Tis too well known who it is that solicites and manages in favour of Judges, when a House of Commons does demand Justice against them, for breaking their Oaths. And therefore the Publishers of this Declaration had said something well, if when they tell us, the Judges ought not to break their Oaths in Reverence to the Votes of either House, they had been pleas'd to add, nor in respect of any Command from the King or Favorites. Then we should have no more Letters from Secretaries of State to Judges sitting upon the Bench. Then we should have no more Proclamations like that of the 14th. October, 1662. forbidding the Execution of the Laws concerning Highways. Nor that of the 10th. of May, 1672. dispensing with divers Clauses in the Acts of Parliament for increase of Shipping. Nor any more Declarations like that of the 15th. of March, 1672. suspending the Penal Laws in matters Ecclesiastical.

But the Judges are sworn to execute all Laws, yet there is no Obligation upon any Man to inform against another. And therefore though the Ministers prevented the Repeal of those Laws, 'tis to be hop'd that this Vote will restrain every *English* Man from prosecuting Protestants, when so wise and great a Body have declared the pernicious Effects of such a Prosecution. 'Tis most true, that in *England* no Law is abrogated by Desuetude, but it is no less true, that there are many Laws still unrepeal'd which are never executed, nor can be without publick Detriment. The Judges know of many such dormant Laws, and yet they do not quicken the People to put them in Execution, nor think themselves guilty of Perjury that they do not: Such are the Laws for wearing Caps, for keeping Lent, those concerning Bows and Arrows, about killing Calves and Lambs, and many others. And those who vex Men by Informations on such antiquated Laws, have been ever lookt upon as infamous, and Disturbers of the publick Quiet. Hence it is that there are no Names remembered with greater Detestation than those of *Empson* and *Dudley*, the whole Kingdom abhor'd them as Monsters in the time of H. VII. And they were punished as Traitors in the Reign of his Son.

A Just and Modest Vindication of the Proceedings

The Alteration of the Circumstances whereupon a Law was made, or if it be against the Genius of the People, or have Effects contrary to the intent of the Makers, will soon cause any Law to be disused, and after a little disuse, the reviving of it will be thought Oppression; especially if Experience has shewn, that by the Non-execution, the Quiet, the Safety, and Trade of the Nation have been promoted; of all which the Commons, who are sent from every part of the Kingdom, are able to make the clearest Judgment. Therefore after they have declared their Opinions of the Inconvenience of reviving the Execution of these Laws, which have lain asleep for divers Years, though the Judges must proceed, if any forward Informers should give them the trouble; yet they would not act wisely or honestly if they should encourage Informers, or quicken Juries by strict and severe Charges; especially if it be considered, that the Lords also were preparing Bills in favour of Dissenters, and that the King has wished often it was in his Power to ease them. So that though there be no Act of Repeal formerly passed, we have the Consent and Desire of all who have any Share in making Acts. But let this Vote have what Consequence it will, yet sure the Ministers had forgot that the Black Rod was at the Door of the House, to require them to attend His Majesty at the very time when it was made, otherwise they would not have numbred it amongst the Causes which occasioned the King to part with that Parliament. And those that knew his Majesty was putting on his Robes before that Vote passed, might imagine a Dissolution thus foreseen, might occasion it, but cannot be brought to believe, that the Vote which was not in being, could occasion the Dissolution. These are the Proceedings which the Ministers judge unwarrantable in the Parliament at Westminster, and for which they prevailed with his Majesty to part with it. But since it is evident upon Examination, that the Principles of our Constitution, the Method of Parliaments, and the Precedents of every Age, were their Guide and Warrant in all those things; surely the King must needs be alike offended with the Men about him, for perswading him to dissolve that Parliament without any Cause; and for setting forth in his Name a Declaration of such pretended Cause as every Man almost sees through, and contrived only to cover those Reasons which they durst not own. But with what Face can they object to the House of Commons their *strange Illegal Votes*, declaring divers eminent Persons to be Enemies to the King and Kingdom, when at the same time they arrogate to themselves an unheard of Authority to arraign one of the Three Estates in the Face of the World, for *usurping Power over the Laws, imprisoning their Fellow-Subjects Arbitrarily, exposing the Kingdom to the greatest Dangers, and endeavouring to deprive the King of all possibility of supporting the Government*; and all this without any Order or Process of Law, without hearing of their Defence, and as much without any Reason, as Precedent. We have had Ministers heretofore so bold, (yet ever with ill Success) as to accuse a pretended Faction Party in the House, but never did any go so high as openly to Represent the whole House of Commons as a Faction, much less, to cause them to be denounced in all the Churches of the Kingdom, that so the People might look upon it as a kind of Excommunication. But if they erred in the things, they judged rightly in the choice of the Persons who were to publish it. Blind Obedience was requisite, where such unjustifiable things were imposed; and that could be no where so entire, as amongst those Clergy-men, whose Preferment depended upon it. Therefore it was ordered, that this Declaration should be read by them, being pretty well assured that they would not unwillingly read in the Desk, a Paper so suitable to the Doctrine which some of them had often declared in the Pulpit. It did not become them to enquire whether they had sufficient Authority for what they did, since the Printer called it the King's Declaration, and whether they might not one day be call'd to account for publishing it; nor once to ask if what his Majesty singly ordered when he sat in Council, and came forth without the stamp of the great Seal, gave them a sufficient warrant to read it publicly.

Clergy-men seldom make Reflections of this kind, least they should be thought to dispute the Commands of their Superiors. It hath been observed, that they who allow unto themselves the Liberty of Doubting, advance their Fortunes very slowly, whilst such who obey without Scruple, go on with a Success equal to their Ambition. And this carries them on without Fear or Shame, and as little thought of a Parliament, as the Court Favourites; who took care to Dissolve that at Oxford, before they durst tell the Faults of that at Westminster.

We have already answered the Miscarriages objected to the first, and now take a view of those imputed to the other, which they say, *was Assembled as soon as that was Dissolved*, and might have added *Dissolved as soon as Assembled*. The Ministers having employed the People forty days in chusing Knights and Burgesses, to be sent home in eight, with a Declaration after them, as if they had been called together only to be affronted. The Declaration doth not tell us of any gracious Expressions used at the opening of that Parliament, perhaps because the store was exhausted by the abundance which

which His Majesty was pleased to bestow on them in his former Speeches. But we ought to believe that His Majesty's Heart was as full of them as ever, and if he did not express them, it is not to be imputed unto the Ministers, who diverted him from his own inclinations, and brought him to use a Language until that day unknown unto Parliaments. The Gracious Speech then made, and the Gracious Declaration that followed, are so much of a piece, that we may justly conclude the same Persons to have been Authors of both. However, His Majesty failed not to give good Advice unto them, who were called together to advise him. The Parliament had so much respect for their King, as not particularly to complain of the great Invasion that was made upon their liberty of Proposing and Debating Laws; by his telling them before-hand what things they should meddle with, and what things, no reasons they could offer, should persuade him to consent unto.

But every Man must be moved to hear it charged upon them as an unpardonable Disobedience, that they did not obsequiously submit to that irregular Command, of not touching on the business of the Succession. Shall two or three unknown Minions take upon them, like the Lords of the Articles of *Scotland*, to prescribe unto an *English* Parliament, what things they shall treat of? Do they intend to have Parliaments *Inter instrumenta Servitutis*; as the *Romans* had Kings in our Country? This would quickly be, if what was then attempted had succeeded, and should be so pursued hereafter, that Parliaments should be directed what they should meddle with, and threatened if they do any other thing. For the loss of Freedom of Debate in Parliament, will soon and certainly be followed by a general loss of Liberty. Without failing in the respect which all good Subjects owe unto the King, it may be said, that His Majesty ought to divest himself of all private Inclinations, and force his own Affections to yield unto the publick concerns: And therefore his Parliaments ought to inform him impartially, of that which tends to the good of those they represent, without regard of Personal Passions, and might worthily be blam'd, if they did not believe, that he would forego them all for the Safety of his People. Therefore if in itself it was lawful to propose a Bill for Excluding the Duke of *York* from the Crown, the doing it after such an unwarrantable signification of his Pleasure would not make it otherwise. And the unusual stiffness which the King hath shewn upon this occasion, begins to be suspected not to proceed from any fondness to the Person of his Brother, much less from any thought of danger to the *English* Monarchy by such a Law, but from the influence of some few ill Men upon his Royal Mind, who being Creatures to the Duke, or Pensioners to *France*, are restless to prevent a good understanding between the King and his People; justly fearing, that if ever he comes to have a true sense of their Affections to him, he would deliver up to Justice these wicked Wretches, who have infected him with the fatal Notion, That the Interests of his People are not only distinct, but opposite to his.

His Majesty does not seem to doubt of his Power in conjunction with his Parliament, to exclude his Brother. He very well knows this Power hath been often exerted in the time of his Predecessors. But the reason given for his refusal to comply with the Interests and Desires of his Subjects, is, because it was a *Point which concerned him so near in Honour, Justice and Conscience*. Is it not honourable for a Prince to be true and faithful to his Word and Oath? to keep and maintain the Religion and Laws established? Nay, can it be thought dishonourable unto him, to love the Safety and Welfare of his People, and the true Religion established among them, above the Temporal Glory and Greatness of his Personal Relations? Is it not just, in conjunction with his Parliament, for his Peoples Safety, to make use of a Power warranted by our *English* Laws, and the Examples of former Ages? Or is it just for the Father of his Country to expose all his Children to Ruine, out of Fondness unto a Brother? May it not rather be thought unjust to abandon the Religion, Laws, and Liberties of his People, which he is sworn to maintain and defend, and expose them to the Ambition and Rage of one that thinks himself bound in Conscience to subvert them? If his Majesty is pleased to remember what Religion the Duke professeth, can he think himself obliged in *Conscience* to suffer him to ascend the Throne, who will certainly endeavour to overthrow the established Religion, and set up the worst of Superstitions and Idolatry in the room of it? Or if it be true, that all Obligations of Honour, Justice, and Conscience, are comprehended in a grateful return of such benefits as have been received, can his Majesty believe that he doth duly repay unto his Protestant Subjects the kindness they shewed him, when they recalled him from a miserable helpless Banishment, and with so much dutiful Affection placed him in the Throne, enlarged his Revenue above what any of his Predecessors had enjoyed; and gave him vast Sums of Money in Twenty Years, then had been bestowed upon all the Kings since *William* the First; should he after all this deliver them up to be ruin'd by his Brother? It cannot be said that he had therein more regard unto the Government than to the Person fee-

ing it is evident the Bill of Exclusion had no ways prejudiced the Legal Monarchy, which his Majesty doth now enjoy with all the Rights and Powers which his wife and brave Ancestors did ever claim, because many Acts of the like nature have passed heretofore upon less necessary occasions.

The preservation of every Government depends upon an exact adherence unto its Principles, and the essential Principle of the *English* Monarchy, being that well proportioned distribution of Powers, whereby the Law doth at once provide for the Greatness of the King, and the Safety of the People; the Government can subsist no longer, than whilst the Monarch enjoying the Power which the Law doth give him, is enabled to perform the part it allows unto him, and the People are duly protected in their Rights and Liberties. For this reason our Ancestors have been always more careful to preserve the Government inviolable, than to favour any personal Pretences, and have therein conformed themselves to the Practice of all other Nations, whose Examples deserve to be followed. Nay, we know of none so slavishly addicted unto any Person or Family, as for any reason whatsoever, to admit of a Prince who openly professed a Religion contrary to that which was established amongst them. It were easy to alledge multitude of Examples of those who have rejected Princes for Reasons of far less weight than Difference in Religion, as *Robert of Normandy*, *Charles of Lorraine*, *Alphonso a Desperado of Spain*; but those of a latter date, against whom there was no other exception than for their Religion, suiteth better with our occasion. Among whom it is needless to name *Henry of Bourbon*, who though accomplished in all the Vertues required in a Prince, was by the General Assembly of the Estate at *Blois* declared incapable of Succession to the Crown of *France*, for being a Protestant. And notwithstanding his Valour, Industry, Reputation and Power, increased by gaining four great Battels, yet he could never be admitted King, till he had renounced the Religion that was his Obstacle. And *Sigismund*, Son of *John of Sweden*, King of that Country by Inheritance, and of *Poland* by Election, was deprived of his Hereditary Crown, and his Children disinherited only for being a Papist, and acting conformably to the Principles of that Religion, though in all other respects he deserved to be a King, and was most acceptable unto the Nation.

But if ever this Maxim deserved to be considered, surely it was in the Case of the Duke of *York*. The violence of his natural Temper is sufficiently known: His vehemency in exalting the Prerogative (in his Brother's time) beyond its due Bounds, and the Principles of his Religion, which carry him to all imaginable Excesses of Cruelty, have convinced all Mankind that he must be excluded, or the Name of King being left unto him, the Power put into the hands of another. The Parliament therefore considering this, and observing the Precedents of former Ages, did wisely chuse rather to exclude him, than to leave him the Name, and place the Power in a Regent. For they could not but look upon it as folly, to expect that one of his Temper, bred up in such Principles in Politicks, as made him in love with Arbitrary Power, and bigotted in that Religion, which always propagates itself by Blood, would patiently bear those shackles, which would be very disgustful unto a Prince of the most meek Disposition. And would he not thereby have been provok'd to the utmost Fury and Revenge against those who laid them upon him? This would certainly have bred a Contest, and these Limitations of Power proposed to keep up the Government, must unavoidably have destroyed it, or the Nation (which necessity would have forced into a War in its own natural defence) must have perished either by it, or with it. The Success of such Controversies are in the hand of God, but they are undertaken upon too unequal Terms, when the People by Victory can gain no more, then what without hazard may be done by Law, and would be ruin'd if it should fall out otherwise. The Duke with Papists might then make such a Peace, as the *Romans* are said to have made once in our desolated Country, by the slaughter of all the Inhabitants able to make War, *Et ubi solitudinem faciunt, pacem appellant*. This is the happy state they present unto us, who condemn the Parliament for bringing in a Bill of Exclusion. This is the way to have such a Peace as the *Spaniards*, for the propagation of the Gospel, made in the *West-Indies*, at the instigation of the Jesuits, who govern'd their Councils. And seeing they have the Duke no less under their power and directions, we may easily believe they would put him upon the same Methods. But as it is not to be imagined, that any Nation that hath Vertue, Courage and Strength equal unto the *English*, will so tamely expect their Ruine; so the passing a Bill to exclude him, may avoid, but cannot (as the Declaration phraseth it) establish a War. But if there must be a War, let it be under the Authority of Law, let it be against a banished, excluded Pretender. There is no fear of the consequence of such a War: No true *English*-man can joyn with him, or countenance his Usurpation after this Act; and for his Popish and Foreign Adherents, they will neither be more provok'd, nor more powerful by the passing of it. Nor will this Exclusion make it at all necessary to maintain a Stand-

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ing Force for preserving the Government, and the Peace of the Kingdom. The whole People will be an Army for that purpose, and every Heart and Hand will be prepared to maintain that so necessary, so much desired Law: A Law for which three Parliaments have been so earnest with his Majesty, not only in pursuance of their own judgments, but by the direction of those that sent them. It was the universal Opinion of the Papists, that *Mary Queen of Scots* was excluded only by an Act of Parliament, and yet we see *Queen Elizabeth* reigned gloriously and peaceably Forty years without any standing Force. But our Ministers do but dissemble with us, when they pretend to be so much afraid of a standing Army. We know how eagerly they have desired, and how often they attempted to establish one. We have seen two Armies raised with no other design, as hath been since undeniably proved; and one of those they were so loth to part with, that more than one Act of Parliament was necessary to get it disbanded. And since that, they have increased the Guards to such a degree, that they are become a formidable standing Force; a thing so odious to a Free People, that the raising of one single Regiment in *Spain*, within these six Years, under colour of being a Guard for the King's Person, so inflam'd the Nation, that a Rebellion had ensued, if they had not been disbanded speedily. The Nobility and Gentry of that Kingdom looking upon themselves as their King's Natural Guard, scorned that so honourable a Name should be given to Mercenaries.

But as His Majesty was perswaded to resolve against the Expedient proposed, to secure our Peace by excluding the Duke, so it is evident, that nothing was intended by those other ways which were darkly and dubiously intimated in His Majesty's Speech unto the Parliament at *Oxford*, and repeated in the Declaration; and His Majesty in his Wisdom could not but know that they signified nothing. And those who spake more plainly, in proposing a Regency as an Expedient, did in publick and private declare, they believed the Duke would not consent unto it, nor unto any unusual restriction of the Royal Power. So that they could have no other design therein, than a plausible pretence to delude the Parliament and People. Some such consideration induced them to revive the distinction between the King's personal and politick Capacity, by separating the Power from the Person, which we have reason to believe they esteemed unfeasible. However, it is more than probable that the Jesuits, Casuists, and Popish Lawyers would reject it, as well as any thing else that might preserve us from falling under his Power. And the Pope, who could absolve King *John, Henry the Third*, and others, from the Oaths they had taken, to preserve the Rights and Liberties of their Subjects, might with the same facility dissolve any that the Duke would take. And as our Histories testify what bloody Wars were thereby brought upon the Nation, we have reason to believe, that if the like should again happen, it would be more fatal unto us, when Religion is concerned, which was not then in question. Would not his Confessor soon convince him, that all Laws made in favour of Heresie are void? And would he not be liable to the heaviest Curses, if he suffered his Power to be used against his Religion? The little regard he hath to Laws whilst a Subject, is enough to instruct us what respect he would bear to them if he should be King. Shall we therefore suffer the Royal Dignity to descend on him, who hath made use of all the Power he has been entrusted with hitherto, for our destruction? And who shall execute this Great Trust? The next Heir may be an Infant, or one willing to surrender it into his hands. But should it be otherwise, yet still there is no hope of having any fruit of this Expedient without a War, and to be obliged to swear Allegiance to a Popish Prince, to own his Title, to acknowledge him Supreme Head of the Church, and Defender of the Faith, seems a very strange way of entitling our selves to fight against him.

The two Reasons which the Declaration pretends to give against the Exclusion, are certainly of more force against the Expedient. A standing Force would have been absolutely necessary, to have plac'd and kept the Administration in Protestant bands; and the Monarchy itself had been destroy'd by a Law, which was to have taken all sorts of Power from the King, and made him not so much as a Duke of *Venice*. How absurdly and incoherently do these Men discourse! Sometimes the Government is so Divine a thing, that no humane Law can lessen or take away his Right, who only pretends in Succession, and is at present but a Subject: But at other times they tell us of Acts of Parliament to banish him out of his own Dominions, to deprive him of all Power, of his whole Kingdom after he shall be in possession of the Throne. The Cheat of this Expedient appear'd so gross in the House of Commons, that one of the Duke's professed Vassals, who had a little more Honour than the rest, was asham'd of it, and openly renounced the Project which they had been forming so long, and thought they had so artificially disguised. But though it was so well expos'd in the House, yet the Ministers thought the Men without doors might be still deceived, and therefore they do not blush to value themselves again upon it in their Declaration.

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As for the Insinuation which follows, That there was reason to believe that the Parliament would have passed further to attempt other great and important Changes at present: If it be meant any change of the Constitution of the Government, 'tis a malicious suggestion of those Men, who are ever instilling into His Majesty's Mind ill thoughts of his Parliament, since no Vote nor Proposition in either House could give any ground for such suspicion, and therefore in this Matter the People may justly accuse the Court, (who so often cry out against them for it) of being moved by causeless Fears and Jealousies. And for His Majesty to be persuaded to arraign the whole Body of his People, upon the ill grounded Surmises, or malicious and false Suggestions of evil and corrupt Men about him, doth neither well become the Justice of a Prince, nor is agreeable to the Measures of Wisdom, which he should Govern Himself, as well as Rule his People by. And if an attendance to the slanderous Accusations of Persons who hate Parliaments, because their Crimes are such that they have reason to fear them, govern and sway his Royal Mind, there can never want Grounds for the Dissolution of any Parliaments. But if they mean by attempting great and important Changes, that they would have besought His Majesty, that the Duke might no longer have the Government in his Hands, that his Dependents should no longer preside in his Councils, no longer possess all the great Trusts and Offices in the Kingdom; that our Ports, our Garrisons, and our Fleets, should be no longer governed by such as are at his Devotion, that Characters of Honour and Favour should be no longer plac'd on Men that the Wisdom of the Nation hath judged to be Favourers of Popery, or Pensioners of France. These were indeed great and important Changes; but such as it becomes Englishmen to believe were designed by that Parliament; such as will be designed and prest for by every Parliament, and such as the People will ever pray may at last find success with the King. Without these Changes, the Bill of Exclusion would only provoke, not disarm our Enemies; nay, the very Money which we must have paid for it, would have been made use of to secure and hasten the Duke's Return upon us.

We are now come to the Consideration of that only fault which was peculiar to the Parliament at Oxford, and that was their behaviour in relation to the business of *Fitz-Harris*. The Declaration says, *He was impeached of High-Treason by the Commons*; and they had cause to think his Treasons to be of such an extraordinary Nature that they well deserved an Examination in Parliament. For *Fitz-Harris*, a known Irish Papist, appear'd by the Informations given in the House, to be made use of by some very Great Persons, to set up a counterfeit Protestant Conspiracy, and thereby not only to drown the Noise of the Popish Plot, but to take off the Heads of the most eminent of those, who still refused to bow their Knees to Baal. There had been divers such honest Contrivances before, which had unluckily fail'd; but the principal Contrivers avoided the Discovery, as the others did the Punishment; in what manner, and by what helps, the whole Nation is now pretty sensible. Being warned by this Experience, they grew more cautious than ever, and therefore that the Treason which they were to set on foot, might look as unlike a Popish Design as was possible, they fram'd a Libel full of the most bitter Invectives against Popery and the Duke of York. It carried as much seeming Zeal for the Protestant Religion, as *Coleman's Declaration*, and as much care and concern for our Laws, as the *Pemners* of this Declaration would seem to have. But it was also filled with the most subtil Insinuations, and the sharpest Expressions against His Majesty that could be invented, and with direct and passionate Incitements to Rebellion. This Paper is to be conveyed by unknown Messengers, to their hands who were to be betray'd, and then they were to be seized upon, and those Libels found about them, were to be a Confirmation of the Truth of a Rebellion, which they had provided Witnesses to swear was designed by the Protestants, and had before prepared Men to believe by private Whispers. And the Credit of this Plot should no doubt have been soon confirmed, by speedy Justice done upon the pretended Criminals. But as well laid as this Contrivance seems to be, yet it spoke itself to be of a Popish Extraction. 'Tis a Policy the Jesuits have often used, to divert a Storm which was falling upon themselves. Accordingly heretofore they had prepared both Papers and Witnesses, to have made the Puritans guilty of the *Gunpowder-Treason*, had it succeeded as they hoped for.

The heinous Nature of the Crime, and the Greatness of the Persons supposed to be concern'd, deserved an extraordinary Examination, which a Jury, who were only to enquire whether *Fitz-Harris* was guilty of framing that Libel, could never make; and the Commons believed none but the Parliament was big enough to go through with. They took Notice that the Zeal and Courage of Inferiour Courts was abated, and that the Judges at the Tryal of *Wakeman* and *Gascoign* (however it came to pass) behaved themselves very unlike the same Men they were, when others of the Plotters had been tried. They had not forgot another Plot of this Nature discovered by *Dangerfield*, which though plainly proved to the Council, yet was quite stifled by the great

great diligence of the *King's Bench*, which rendred him as an incompetent Witness. Nor did they only fear the perversion of Justice, but the misapplication of Mercy too. For they had seen that the Mouths of *Gadbury*, and others, as soon as they began to confess, were suddenly stop'd by a gracious Pardon. And they were more jealous than ordinary in this Case, because when *Fitz-Harris* was inclined to Repentance, and had begun a Confession, to the surprize of the whole Kingdom, without any visible cause, he was taken out of the Lawful Custody of the Sheriffs, and shut up a close Prisoner in the *Tower*. The Commons therefore had no other way to be secure, that the Prosecution should be effectual, the Judgment indifferent, and the Criminal out of all hopes of a Pardon (unless by an ingenious Confession he could engage both Houses in a powerful Mediation to His Majesty in his behalf) but by impeaching of him. They were sure no Pardon could stop their Suit, though the King might release his own Prosecution by his Pardon.

Hitherto the Proceedings of the Commons in this business could not be liable to Exception, for that they might lawfully Impeach any Commoner before the Lords, was yet never doubted. The Lords themselves had agreed that Point, when the day before they had sent down the Plea of *Sir William Scroggs* to an Impeachment of Treason, then depending before them. And they are Men of strange confidence, who at this time of day take upon them to deny a Jurisdiction of the Lords, which hath been practised in all times without controul, and such a Fundamental of the Government, that there could be no security without it. Were it otherwise, it would be in the Power of the King, by making Commoners Ministers of State, to subvert the Government by their Contrivances when he pleased: Their Greatness would keep them out of the reach of ordinary Courts of Justice, and their Treasons might not perhaps be within the Statutes, but such as fall under the Cognizance of no other Court than the Parliament; and if the People might not of Right demand Justice there, they might without fear of punishment, act the most destructive Villanies against the Kingdom.

As a Remedy against this Evil, the *Mirroure of Justice* tells us, That Parliaments were ordained to hear and determine all Complaints of wrongful Acts, done by the King, Queen, or their Children, and such others against whom common Right cannot be had elsewhere. Which as to the King, is no otherwise to be understood, than that if he err by illegal Personal Commands or Orders, he is to be admonished by Parliament, and addressed unto for Remedy; but all others being but Subjects, are to be punished by Parliaments, according to the Laws of Parliaments. Cap. I. Sect. 2. pag. 9.

If the ends were well considered for which Parliaments were ordained; as they are declared in the Statute; Item, For Maintenance of the said Articles and Statutes (viz. *Magna Charta*, &c.) a Parliament shall be holden every Year by them, as well as by the foregoing ancient Authority, none could be deceived by the Parliament *Roll* of 4 *Edw. III.* where it is mentioned as accorded between the King and his Grands, (that is his Lords) that Judgment of Death, given by the Peers against *Sir Simon de Beresford*, *Matrever*, and others, upon the Murder of King *Edw. II.* and his Uncle, should not be drawn into Example, whereby the Peers might be charged to judge others than their Peers, contrary to the Law of the Land, if such a Case should happen. For whereas from this Record some would perswade us, that the Lords are discharg'd from Judging Commoners, and that our Ancient Government is alter'd in this Case by that Record, which they say is an Act of Parliament. The stile and form of it is so different from that which is used in Acts of Parliament, that many are inclined to believe it to be no other thing, than an Agreement between the King and the Lords. But to remove all future Scruples in the Case, let it be admitted to be an Act of Parliament; and if there be nothing accorded in it, to acquit the Lords from trying Commoners impeached before them by the Commons in Parliament, then we hope that shame will stop their Mouths, who have made such a Noise against the Commons with this Record. First, It is evident from the Roll it self, with other Records, that the Lords did judge those Commoners contrary to the Law of the Land; that is, at the instance of the King, and the Prosecution of their Enemies, without the due course of the Law; or calling them to make their Defence, and (for ought appears) without legal Testimony. Secondly, It is evident, that they were driven upon this illegal Proceeding, by the Power and Authority of the King, and some Prosecutors, who earnestly pressed the Lords thereunto, upon pretence of speedily avenging the Blood of the former King and his Uncle. So that the Judgment was given at the King's Suit, in a way not warranted by the Law and Custom of Parliament, or any other Law of the Kingdom. Surely when the Lords Blood was suffered to cool, they had reason to desire something might be left upon Record, to preserve them for the future from being put upon such shameful Work, though such a Case as the Murder of a King should again happen, as it seems they did not fear to be pressed in any other, so to

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violate the Laws. But *Thirdly*, There is not a word in the Record, that imports a restriction of that Lawful Jurisdiction, which our Constitution placeth in the Lords to try Commoners, when their Cases should come before them lawfully, at the Suit of the Commoners by Impeachment. There is no Mark of an Intention to change any part of the Ancient Government, but to provide against the Violation of it, and that the Law might stand as before, notwithstanding the unlawful Judgment they had lately given. So that the Question is still the same, whether by the Law of the Land, that is the Law and Custom of Parliament, or any other Law, the Lords ought to try Commoners Impeached by the Commons in Parliament, as if that Record had never been. And we cannot think that any Man of Sense, will from that Record make an Argument in this Point, since it could be no better than to infer, that because the Lords are no more to be pressed by the King, or at his Suit, to give Judgment against Commoners contrary to the Law of the Land, when they are not impeached in Parliament, therefore they must give no Judgment against them at the Suit of the Commons in Parliament, when they are by them impeached, according to the Laws and Customs of Parliament. But if such as delight in these Cavils had searched into all the Records relating unto that of the 4 *Edw. III.* they might have found in the 19th of the same King, a Writ issued out to suspend the Execution of the Judgment against *Matreviers*, because it had been illegally passed. And the chief reason therein given is, that he had not been impeached, and suffered to make his defence. But it was never suggested nor imagined, that the Lords that judged him had no Jurisdiction over him, because he was a Commoner, or ought not to have exercised it, if he had been impeached; nor was it pretended, that by *Magna Charta* he ought to have been tried only by his Peers; the Laws of the Land therein mentioned, and the Laws and Customs of Parliaments, being better known and more revered in those days, than to give way to such a mistake. They might also have found by another Record of the 26th of the same King, that by undoubted Act of Parliament, *Matreviers* was pardon'd, and the Judgment is therein agreed by the Lords and Commons to have been illegal, and unjustly passed, by the violent Prosecution of his Enemies; but it is not alledged that it was *Coram non Judice*; as if the Lords might not have judged him, if the Proceedings before them had been Legal. But as the Sence and Proceedings of all Parliaments have ever been best known by their Practice, the Objectors might have found by all the Records since the 4 *Edw. III.* that Commoners as well as Lords might be, and have been impeached before Lords, and judged by them to Capital or other Punishments, as appears undeniably to every Man that hath read our Histories or Records. And verily the concurrent Sence and Practice of Parliaments for so many Ages, will be admitted to be a better Interpretation of their own Acts, than the Sence that these Men have lately put upon them to increase our Disorders. But to silence the most malicious in this point, let the famous Act of the 25 of *Edw. III.* be considered, which hath ever since limited all Inferiour Courts in their Jurisdiction, unto the Tryal of such Treasons only as are therein particularly specified, and reserved all other Treasons to the Tryal and Judgment of Parliament. So that if any such be committed by Commoners, they must be so tried, or not at all. And if the last should be allowed, it will follow, that the same Fact which in a Peer is Treason, and punishable with Death, in a Commoner is no Crime, and subject to no Punishment.

Nor doth *Magna Charta* confine all Tryals to common Juries; for it ordains, That they should be tried by the Judgment of Peers, or by the Law of the Land. And will any Man say, the Law of Parliament is not the Law of the Land? Nor are these words in *Magna Charta* superfluous or insignificant, for then there would be no Tryal before the Constable or Marshal, where there is no Jury at all; there could be no Tryal of a Peer of the Realm upon an Appeal of Murder, who according to the Law, ought in such Cases to be try'd by a common Jury, and not by his Peers. And since the Records of Parliaments are full of Impeachments of Commons, and no instance can be given of the rejection of any such Impeachment, it is the Commons who have reason to cite *Magna Charta* upon this occasion, which provides expressly against the denial of Justice. And indeed it looks like a denial of Justice, when a Court that hath undoubted Cognisance of a Cause regularly brought before them, shall refuse to hear it; but most especially when (as in this Case) the Prosecutors could not be so in any other Court, so as a final stop was put to their Suit, though the Lords could not judicially know whether any body else would prosecute elsewhere.

This Proceeding of the Lords looks the more odly, because they rejected the Cause, before they knew as Judges what it was, and referred it to the ordinary Course of Law, without staying to hear whether it were a matter whereof an Inferiour Court could take Cognisance. There are Treasons which can only be adjudged in Parliament, and if we may collect the Sence of the House of Commons from their Debates, they thought

thought there was a mixture of those kind of Treasons in *Fitz-Harris's* Case. And therefore there was little reason for that severe suggestion, *That the Impeachment was only designed to delay a Tryal*; since a compleat Examination of his Crime could be had nowhere but in Parliament. But it seems somewhat strange, *That the delaying of a Tryal, and that against a professed Papist charged with Treason, should be a matter so extremely sensible*: For might it not be well reported by the People, That it had been long a matter extremely sensible to them, that so many Prorogations, so many Dissolutions, so many other Arts had been used to delay the Tryals, which His Majesty had often desired, and the Parliament prepared for, against *Five professed Popish Lords charged with Treasons of an extraordinary nature*. But above all, that it was a matter extremely sensible to the whole Kingdom, to see such Unparliamentary and mean Solicitations used, to promote this pretended Rejection of the Commons Accusation, as are not fit to be remembered. 'Tis there that the *delay of the Tryals is to be laid*; for had the Impeachment been proceeded upon, and the Parliament suffered to sit, *Fitz-Harris* had been long since Executed, or deserved Mercy by a full Discovery of the secret Authors of these malicious Designs against the King and People. For though the Declaration says a *Tryal was directed*, yet we are sure nothing was done in order to it, till above a Month after the Dissolution. And it hath since raised such Questions, as we may venture to say, were never talk'd of before in *Westminster-Hall*; Questions which touch the Judicature of the Lords, and the Priviledges of the Commons in such a degree, that they will never be determined by the decision of any Inferiour Court, but will assuredly at one time or other have a farther Examination.

We have seen now that the Commons did it not without some ground, when they Voted the refusal of the Lords to proceed upon an Impeachment, to be a denial of Justice, and a violation of the Constitution of Parliaments; and the Second Vote was but an application of this Opinion to the present Case. The Third Vote made upon that occasion, was no more than what the King himself had allowed, and all the Judges of *England* had agreed to be Law, in the Case of the Five Impeached Lords, who were only generally impeached, and the Parliament dissolved, before any Articles were sent up against them. Yet they had been first Indicted in an Inferiour Court, and Preparations made for their Tryal; but the Judges thought at that time, that a Prosecution of all the Commons was enough to stop all Prosecutions of an inferiour nature. The Commons had not impeached *Fitz-Harris*, but that they judged his Case required so publick an Examination; and for any other Court to go about to try and condemn him, tho' it should be granted to be for another Crime, is as far as in them lies to stifle that Examination.

By this time every Man will begin to question, Whether the Lords did Themselves or the Commons Right, in the refusing to countenance such a Proceeding? But one of the Penmen of this Declaration has done Himself and the Nation Right, and has discovered himself by using his ordinary Phrase upon this occasion. The Person is well known without naming him, who always tells Men they have done themselves no Right, when he is resolved to do them none. As for the Commons, nothing was carried on to extremity by them; nothing done but what was Parliamentary: They could not desire a Conference, till they had first stated their own Case, and asserted by Votes the matter which they were to maintain at a Conference. And so far were those Votes from putting the Two Houses beyond a possibility of Reconciliation, that they were made in order to it, and there was no other way to attain it. And so far was the House of Commons from thinking themselves to be out of a capacity of transacting with the Lords any farther, that they were preparing to send a Message for a Conference to accommodate this Difference, at the very instant that the Black Rod called them to their Dissolution. If every Difference in Opinion, or Vote should be said to put the Two Houses out of capacity of transacting business together, every Parliament almost must be dissolved as soon as called. However, our Ministers might know well enough, that there was no possibility of reconciling the Two Houses, because they had before resolved to put them out of a capacity of transacting together, by a sudden Dissolution. But that very thing justifies the Commons to the World, who cannot but perceive that there was solemn and good ground for them to desire an enquiry into *Fitz-Harris's* Treason, since they who influence our Affairs were so startl'd at it; that in order to prevent it, they first promoted this Difference between the Two Houses, and then broke the Parliament lest it should be composed.

There is another thing which must not be past over without observation, That the Ministers in this Paper take upon them to decide this great Dispute between the Two Houses, and to give judgment on the side of the Lords. We may well demand what Person is by our Law constituted a Judge of their Priviledges, or hath Authority to censure the Votes of one House, made with reference to Matters wherein they were contesting with the other House, as the greatest violation of the Constitution of Parliaments:

ments? They ought certainly to have excepted the Power, which is here assumed of giving such a Judgment, and publishing such a Charge, as being not only the highest violation of the Constitution, but directly tending to the destruction of it.

This was the Case, and a few days continuance being like to produce a good understanding between the Two Houses, to the advancing all those Great and Publick Ends, for which the Nation hop'd they were called, the Ministers found it necessary to put an end to that Parliament likewise.

We have followed the Writers of the Declaration through the several parts of it, wherein the House of Commons are reproached with many particular Miscarriages, and now they come to speak more at large, and to give Caution against two sorts of ill Men: One sort, they say, *Are Men fond of their old beloved Commonwealth Principles*; and others are angry at being disappointed in Designs they had for accomplishing their own Ambition and Greatness. Surely, if they know any such Persons, the only way to have prevented the Mischiefs which they pretend to fear from them, had been to have discovered them, and suffered the Parliament to sit to provide against the Evils they would bring upon the Nation, by prosecuting of them. But if they mean by these Lovers of *Commonwealth Principles*, Men passionately devoted to the Publick Good, and to the common Service of their Country, who believe that Kings were instituted for the good of the People, and Government ordained for the sake of those that are to be governed, and therefore complain or grieve when it is used to contrary ends, every wise and honest Man will be proud to be ranked in that number. And if *Commonwealth* signifies the Common Good, in which sense it hath in all Ages been used by all good Authors, and which *Bodin* puts upon it, when he speaks of the Government of France, which he calls a *Republick*, no good Man will be ashamed of it. Our own Authors, *The Mirror of Justice*, *Bracton*, *Fleta*, *Fortescue*, and others in former times. And of later years, *Sir Thomas Smith*, Secretary of State in the Reign of Queen Elizabeth, in his Discourses of the Commonwealth of England, *Sir Francis Bacon*, *Cook*, and others, take it in the same sense. And not only divers of our Statutes use the Word, but even King James in his first Speech unto the Parliament, acknowledgeth himself to be the Servant of the Commonwealth; and King Charles the First, both before, and in the time of the War, never expresseth himself otherwise. To be fond therefore of such *Commonwealth Principles*, becomes every English-man; and the whole Kingdom did hope, and were afterwards glad to find, they had sent such Men to Parliament. But if the Declaration would intimate, that there had been any design of setting up a Democratical Government, in opposition to our Legal Monarchy, it is a Calumny just of a piece with the other things which the Penners of this Declaration have vented, in order to the laying upon others the blame of a Design to overthrow the Government, which only belongs unto themselves.

It is strange how this word should so change its signification, with us in the space of Twenty Years. All Monarchies in the World, that are not purely barbarous and tyrannical, have ever been called *Commonwealths*. Rome itself altered not that Name, when it fell under the Sword of the *Cæsars*. The proudest and cruellest of Emperors disdained it not. And in our days, it doth not only belong to *Venice*, *Genova*, *Switzerland*, and the *United Provinces of the Netherlands*, but to *Germany*, *Spain*, *France*, *Sweden*, *Poland*, and all the Kingdoms of Europe. May it not therefore be apprehended that our present Ministers, who have so much decried this word so well known to our Laws, so often used by our best Writers, and by all our Kings until this day, are Enemies to the thing? And that they who make it a brand of Infamy to be of *Commonwealth Principles*, that is, devoted to the Good of the People, do intend no other than the hurt and mischief of that People? Can they in plainer Terms declare their fondness of their beloved Arbitrary Power, and their Design to set it up, by subverting our Ancient Legal Monarchy, instituted for the benefit of the Commonwealth, than by thus casting reproach upon those who endeavour to uphold it?

Let the Nation then to whom the Appeal is made, judge who are the Men that endeavour to poison the People, and who they are who are guilty of designing Innovations. *Bracton* tells us, that *Potestas Regis*, is *Potestas Legis*: It is from the Law that he hath his Power; it is by the Law that he is King, and for the good of the People by whose consent it is made. The Liberty and Welfare of a great Nation was of too much importance to be suffered to depend upon the Will of one Man. The best and wisest might be transported by an excess of Power trusted with them; and the Experience of all times sheweth, that Princes, as Men, are subject to Errors, and might be misled. Therefore (as far as Man's Wit could foresee) our Constitution hath provided by annual Parliaments, 26 Edw. III. cap. 10. that the Commonwealth might receive no hurt; and it is the Parliament, that must from time to time correct the Mischiefs which daily creep in upon us. Let us then no longer wonder, when we see such frequent Prorogations and Dissolutions

of Parliaments; nor stand amazed at this last unparallel'd Effort of Ministers by this Declaration to render Two Parliaments odious unto the People. They well know that Parliaments were ordained to prevent such Mischiefs as they design'd, and if they were suffer'd to pursue the ends of their Institution, would endeavour to preserve all things in due Order. To unite the King unto his People, and the Hearts of the People unto the King; to keep the Regal Authority within the bounds of Law, and perswade his Majesty to direct it to the Publick Good, which the Law intends. But as this is repugnant to the Introduction of Arbitrary Power and Popery, they who delight in both cannot but hate it, and choose rather to bring Matters into such a state as may suit with their private Interests, than suffer it to continue in its right Channel. They love to fish in Troubled Waters, and they find all Disorders profitable unto themselves. They can flatter the Humour of a misguided Prince, and increase their Fortunes by the excesses of a wastful Prodigal; the Frenzy of an imperious woman is easily rendred propitious unto them, and they can turn the Zeal of a violent Bigot to their Advantage; the Treacheries of false Allies agree with their own Corruptions; and as they fear nothing so much as that the King should return unto his People, and keep all things quiet, they almost ever render themselves subservient to such as would disturb them. And if these Two last Parliaments, according to their Duty, and the Trust reposed in them, have more steddily than any other before them persisted in the pious and just endeavours of easing the Nation of any of its Grievances; the Authors of the Declaration found it was their best course, by false Colours put upon things, and subtil Misrepresentations of their Actings, to delude the People into an Abhorrence of their own Representatives; but with what Candor and Ingenuity they have attempted it, is already sufficiently made known. And if we look about us, we shall find those who design a Change on either hand, fomenting a Misunderstanding between the King, his Parliament and People, whilst Persons who love the Legal Monarchy, both out of choice and Conscience, are they who desire the frequent and successful meetings of the Great Council of the Nation.

As for the other sort of peevish Men, of whom the Declaration gives us warning, *who are angry at the Disappointment of their ambitious Designs*; if these words are intended to reflect on those Men of Honour and Conscience, who being qualified for the highest Employments of State, have either left or refused, or been removed from them, because they would not accept or retain them at the price of selling their Country, and Enslaving Posterity: And who are content to Sacrifice their Safety as well as their Interest for the Publick, and expose themselves to the Malice of the Men in Power, and to the daily Plots, Perjuries and Subornations of the Papists, I say, if these be the *Ambitious Men* spoken of, the People will have consideration for what they say, and therefore it will be Wisdom, to give such Men as these no occasion to say, that they intend to lay aside the use of Parliaments.

In good earnest, the Behaviour of the Ministers of late, gives but too just Occasion to say, *That the use of Parliaments is already laid aside*. For tho His Majesty has owned in so many of his Speeches and Declarations, the great Danger of the Kingdom, and the Necessity of the Aid and Counsel of Parliaments, he hath nevertheless been prevailed upon to Dissolve Four in the space of Twenty Six Months, without making provision by their Advice suitable to our Dangers or Wants. Nor can we hope the Court will ever love any Parliament better, than the first of those Four, wherein they had so dearly purchased such a number of vast Friends; Men who having first sold themselves, would not stick to sell any thing after. And we may well suspect they mean very ill at Court, when Designs their shockt such a Parliament. For that very Favourite Parliament no sooner began in good earnest to examine what had been done, and what was doing, but they were sent away in haste, and in a fright, though the Ministers know they lost thereby a constant Revenue of extraordinary Supplies. And are the Ministers at present more Innocent than at that time? The same Interest hath the Ascendant at Court still, and they heightned the Resentments of the Nation, by repeated Affronts; and can we believe them that they dare suffer a Parliament now to sit?

But we have gain'd at least this one Point, by the Declaration, That it is own'd to us, *That Parliaments are the best Method for healing the Distempers of the Kingdom, and the only means to preserve the Monarchy in credit both at home and abroad*. Own'd by these very Men who have so maliciously rendred many former Parliaments ineffectual, and by this Declaration have done their utmost to make those which are to come as fruitless, and thereby have confessed that they have no Concern for healing the Distempers of the Kingdom, and preserving the Credit of the Monarchy; which is in effect to acknowledge themselves, to be what the Commons called them, *Enemies to the King and Kingdom*. Nothing can be more true, than that the Kingdom can never recover

its Strength and Reputation abroad, or its ancient Peace and Settlement at home. His Majesty can never be relieved from his Fears and his domestick wants, nor secure from the Affronts which he daily suffers from abroad, till he resolves not only to call *Parliaments* but to hearken to them when they are called. For without that, it is not a Declaration, it is not repeated Promises, nay, it is not the frequent calling of Parliaments which will convince the World, that the *Use of them is not intended to be laid aside*.

However we rejoyce that his Majesty seem'd resolv'd to have frequent Parliaments, and hope he will be just to Himself and us, by continuing constant to this Resolution. Yet we cannot but doubt in some degree, when we remember the Speech made 26 Jan. 1679. to both Houses, wherein he told them, *That he was unalterably of an Opinion, that long Intervals of Parliaments were absolutely necessary, for composing and quieting the Minds of the People*. Therefore, which ought we rather to believe, the Speech or the Declaration? Or, which is likely to last longest? A Resolution or an unalterable Opinion, is a Matter too Nice for any but Court-Criticks to Decide. The effectual Performance of the last part of the Promise, will give us Assurance of the first. When we see the real Fruits of these utmost Endeavours to extirpate Popery out of Parliament; when we see the D. of York no longer first Minister, or rather Protector of these Kingdoms, and his Creatures no longer to have the whole Direction of Affairs; when we see that Love to our Religion and Laws is no longer a Crime at Court; no longer a certain Fore-runner of being Disgrac'd and Remov'd from all Offices and Employments in their Power; when the Word *Loyal* (which is faithful to the Law,) shall be restored to its old meaning, and no longer signifie one who is for subverting the Laws; when we see the Commissions fill'd with hearty Protestants, and the Laws Executed in good earnest against the Papists, the Discoverers of the Plot countenanc'd, or at least heard, and suffered to give their Evidences; the Courts of Justice steady, and not Avowing a Jurisdiction one day, which they disown the next; no more Grand Juries discharg'd, lest they should hear Witnesses; nor Witnesses hurried away, lest they should inform Grand Juries; when we see no more Instruments from Court, labouring to raise Jealousies of Protestants at home, and some Regard had to Protestants abroad; when we observed somewhat else to be meant by *Governing according to Law*, than barely to put in Execution against Dissenters, the Laws made against Papists; then we shall promise our selves not only frequent Parliaments, but all the blessed Effects of pursuing Parliamentary Councils, the Extirpation of Popery, the Redress of Grievances, the flourishing of Laws, and the perfect Restoring the Monarchy to the Credit, which it ought to have (but which the Authors of the Declaration confess it wants) both at Home and Abroad. There needs no time to open the Eyes of his Majesties good Subjects, and their Hearts are ready prepared to meet him in Parliament, in order to perfect all the good Settlement and Peace, wanting in Church and State.

But whilst there are so many little Emissaries employed to sow and increase Divisions in the Nation, as if the Ministers had a mind to make his Majesty the Head of a Faction, and joyn himself to one Party in the Kingdom, who has a just Right of Governing all (which *Thuanus lib. 28* says, was the notorious Folly, and occasioned the Destruction of his great Grandmother *Mary Queen of Scots*;) whilst we see the same Differences promoted industriously by the Court, which gave the rise and progress to the late troubles, and which were once thought fit to be buried in an Act of Oblivion. Whilst we see the Popish Interest so plainly Countenanced, which was then done with Caution; when every Pretence of Prerogative is strained to the utmost Height, when Parliaments are used with Contempt and Indignity, and their Judicature, and all their highest Priviledges brought in question in inferiour Courts, we have but too good cause to believe, that though every Loyal and good Man does, yet the Ministers and Favourites do but little consider the Rise and Progress of the late Troubles, and have little Desire or Care to preserve their Country from a Relapse. And who as they never yet shewed regard to Religion, Liberty, or Property, so they would be little concern'd to see the Monarchy shaken off, if they might escape the Vengeance of publick Justice, due to them for so long a Course of pernicious Counsels, and for Crowning all the rest of their Faults by thus Reflecting upon the High-Court, before which we do not doubt but we shall see them one day brought to Judgment.

Thus have we with an English Plainness, expressed our Thoughts of the late Parliaments and their Proceedings, as well as of the Court in Relation to them, and hope this Freedom will offend no Man. The Ministers who may be concern'd through their appealing unto the People, cannot in Justice deny unto any one of them the Liberty of weighing the Reasons which they thought fit to publish in Vindication of their Actions. But if it should prove otherwise, and these few Sheets be thought as weak and full of Errours, as those we endeavour to confute, or be held injurious unto them, we desire only to know in what we transgress, and that the Press may be open for our Justification: Let the People to whom the Appeal is made

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judge then between them and us; and let Reason and the Law be the Rules, according unto which the Controversie may be decided. But if by denying this, they shall like Beasts recur to Force, they will thereby acknowledge that they want the Arms which belong to Rational Creatures. Whereas if the Liberty of answering be left us, we will give up the Cause, and confess, that both Reason and Law are wanting unto us, if we do not in our Reply satisfy all reasonable and impartial Men, that nothing is said by us, but what is just and necessary, to preserve the Interest of the King and his People. Nor can there be any thing more to the Honour of his Majesty, than to give the Nations round about us to understand, that the King of *England*, doth neither Reign over a base, servile People, who hearing themselves Arraigned and Condemned, dare not speak in their own Defence and Vindication; nor over so silly, foolish and weak a People, as that ill-designed, and worse supported Paper might occasion the World to think; but that there are some Persons in his Dominions; not only of true *English* Courage, but of greater Intellectuals as well as better Morals; than the Advisers unto, and Penners of the Declaration have manifested themselves to be.

A Letter from a *Person of Quality* to his Friend, concerning His Majesty's late Declaration, touching the Reasons which moved Him to Dissolve the Two last Parliaments at *Westminster* and *Oxford*.

I Acknowledge your Favour, in sending me the Declaration, touching the Causes and Reasons that moved his Majesty to Dissolve the Two last Parliaments.

It seems to be a fore-runner of another *Parliament* to be speedily call'd, and the design of the Declaration as a seasonable Advice to the People, not to choose the same Persons again, who had been so unfortunate and unacceptable to His Majesty these Two last Parliaments.

It hath been long the Advice of some of the Wisest and Ablest of the Popish and Arbitrary Party, that the King should call frequent, short and useless Parliaments, until the Gentry, wearied of the great Expence, of so many fruitless Journeys and Elections, should sit at home, and trouble themselves no more, and leave the People expos'd to the Practices of them and their Party; who if they carry-one House of Commons for their Turn, will in few Months do the Nations Business for ever; and make us Slaves and Papists by a Law: In the mean while there is no danger to their Affairs in frequent calling Parliaments; since the Crown can with so much ease and security dissolve and through them off.

It is our great unhappiness that we should have such wicked Councillors, Favorites, and Influences about so Gracious a Prince, who with so exceeding great Trouble was brought to the Dissolving the Two last Parliaments; since he of himself intended more Benefit to his People by them: And 'tis not readily to be apprehended, what Arguments they could use to so wise a Prince to persuade him that he had done his Part, and that the Success not answering Expectation, could not be imputed to him, he having given so many opportunities of providing for their good: We cannot but in reason expect, that the best they can say for their Advice, is what they have published in this Declaration, which by the new Style of *His Majesty in Council*, is ordered to be read in all Churches and Chappels throughout *England*; which no doubt the blind Obedience of our Clergy will see carefully performed. Yet if it be true, that there is neither Great Seal, Privy Seal, nor Order of Council, nor any thing else but Mr. *Gwynn's* (a Clerk of the Councils) hand to Authorise the Publishing this Paper, call'd His Majesty's Declaration, in such a case our officious Clergy-men will prove Publishers of false News, and Invectives against a Third Estate of the Kingdom; and will be liable to be questioned for it.

A Letter from a Person of Quality to his Friend,

The Government of *England* is so excellently constituted, that the King can do no wrong : The King in Parliament can make no ill Laws, because they are with the Consent and Advice of his People in Council. He can make no ill Orders because they must be by Advice of his Council, and they must be answerable for them. The King in the Treasury can dispose of no Money, but wisely, for the Interest of the Government ; and according to such Proportions as is every way requisite : If otherwise, the Lord Treasurer, a Secretary of State, a Lord Privy Seal, and in great cases a Lord Chancellor, are answerable ; because no Sum never so small can be issued without them. In the Admiralty the King can do nothing but for the Honour and Safety of the Nation ; because he acts always with the Advice, and by the Hand of a Lord Admiral or Commissioners of the Admiralty, who are responsible if any thing be amiss. But the King in Council, without the Advice of the Council, is a Phrase the Law understands not, and is against the Safety of the Government, and the Honour of the King. This Declaration is *Prima Impressio*, the first of the kind I ever read of : A Prince appealing to the People against their own Representatives, not against some of the House of Commons, but the House it self, and that of Two Parliaments successively.

It is easily agreed by all, that there never was more occasions of a Parliament, than was at the opening of the last, which was held at *Westminster*, never had People juster Fears, nor of weightier Consideration, to be secured against ; never were our Liberties and Properties more in danger ; nor the Protestant Religion more exposed to an utter Extirpation both at home and abroad. Besides the increasing Power of the *French* Monarchy ; giving Terror to the Trade and Being of all his Neighbours. And the Declaration saith that his Majesty had intentions to have complied with any thing that could have been proposed to prevent these Evils ; If so, the Ministers or House of Commons, must be one of them exceedingly to blame.

The Ministers in this Declaration tell us, that they asked of that Parliament, the supporting the Alliances they had made for the Preservation of the general Peace in Christendom, and had desired their Advice and Assistance for the Preservation of *Tangier* ; as also they recommended to them the farther Examination of the Plot : And that his Majesty had offered to concur in any Remedies for the Security of the Protestant Religion, that might consist with the preserving the Succession of the Crown in its due and legal Course of Descent : But to all this they met with most unsuitable returns.

But the Ministers very well knew, that their Demands of Money for supporting the Alliances, and Preservation of *Tangier*, was not to be complied with till his Majesty was pleased to change the Hands and Councils, by which his Affairs were administered : Or else we had much more reason to expect that the Assistance or Support we should give, should not be employ'd to either of those Affairs ; but rather to the Destruction even of his Majesty's Person, together with the Protestant Religion, and the enslaving of the whole Nation : The Duke of *York*, the Queen, and the Two *French* Dutcheesses are the great Support and Protectors of the Popish Interest in these Kingdoms ; whilst they and their Creatures are at Helm, what can we expect for the Security of the Protestant Religion, or Opposition to the Ambitious Designs of *France* ? Hath *England* by their means contributed so much to the growing Greatness of that Monarchy ? And can we or our Allies trust the same Hands with our Money and Force ? You will tell me they may be appropriated to these particular ends of supporting our Allies, and the Relief of *Tangier* : And it may be so limited by Act of Parliament, that it cannot be diverted to other uses. To this Monsieur *Sully* the great Treasurer of *France*, made the best Answer on the like Occasion, when he told his Master *Henry* the IV. *Sir, let the States raise the Money, put it into what Hands, and under what Limitations they please, when they are Dissolved and not in Being, You that are the only Power existing, shall dispose of the Money as you think fit.* And the late Experience of our own will tell us, that those Acts may peradventure be good Security to those that have advanced Money upon them, but never to the publick ends for which that Money was designed : Besides, if we allow that those Persons and their Creatures, have those Designs and Interests we justly charge upon them ; such a considerable Sum of Money as those Occasions would require, will set them free from any Obligation or Apprehension to be accountable to a future Parliament : For it is a certain Maxim in State Affairs, that that Prince hath a good and cheap Bargain that gives Paper Laws in exchange for Money and Power ; for it was never known, that Laws signified any thing to a People that had not the sole Guard of their own Prince, Government and Laws.

As for the farther Examination of the horrid Popish Plot ; there is nothing in nature, or Story so ridiculous as the Management the Ministers have shew'd in that. Both Houses of Parliament did at first, and unanimously declare their Satisfaction in
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the clear Evidence of it ; as they had great reason, had they had no other Testimony but *Coleman's*, and my Lord *Berkshire's* Letters, which never were nor could be denied ; both Houses declare the King's Life to be in danger, our Religion, Laws, and Government, all endeavour'd to be utterly overthrown and abolished by it. Monsieur *Le Chaise*, the French King's Confessor, the principal Director of it ; yet our Ministers have wrought so far on the good Nature of the King, that he believes nothing of his own danger ; apprehends the Plot to be at least extreamly improved, if not wholly contrived by the Presbyterian ; thinks it much more his Concern, to have an end of all, then to have it searched to the bottom ; this was certainly the true reason the Ministers had, for dissolving four Parliaments successively during the Examination of this Plot ; exposing the Person of the King and the Nation to the greatest hazard, so that we may say they are by Miracle preserved ; we are like a Brand snatch'd out of the Fire by God's own hand ; nay so great power have they had with His Majesty, that *Dangerfield* was brought to him several times alone, and in private ; at the same time he owns to have been employ'd by the Lords in the *Tower*, to Murder the Earl of *Shafsbury* ; and was tempted to have done the same to the King : He gives the King a Paper to accuse several Lords and others, and indeed the whole Protestant Party, of a Treasonable Conspiracy ; many of those accused being in the Council, and greatest Employments of the State, yet His Majesty kept the Paper, and gave so much countenance to it as to reward *Dangerfield* with Eight Pounds a Week ; the Paper whoever considers it, speaks itself to be the *Embryo* of a Sham-plot, not a real Discovery ; and what makes all worse ; since *Dangerfield* is become truly honest, he can hardly get the allowance of Forty Shillings a Week, and his Pardon was with great difficulty obtain'd of His Majesty to pass so as might be effectual to him ; it would make a Volume to tell you the several Meetings and Discourses that vile Rascal, young *Tonge*, had with His Majesty, to prove there was no Popish, but a Presbyterian Plot, the King in Council declaring Captain *Ely* for a very honest Man ; for so he had been represented to him, though he is well known to be of the vilest and most infamous of Men. A Master of Requests sent to *Lewis* and *Zeal*, Prisoners in the *Marshalsea*, to take their Examinations to the same purpose against the Earl of *Shafsbury* : *Fitz-Gerald*, an Irish Witness, goes off from his Testimony, declares he has Money from the King, several hundred Pounds, endeavours to draw off the other Witnesses, and prevails on divers, for whom he procures Money, and sends them back to *Ireland* ; endeavours to procure false Witnesses against the Lives of the Nobility, and others : This infamous Rascal having been a known Footman to several Masters, not well in his Wits, detected of several Villanies, is seen publicly talking with His Majesty ; so extreamly wrong are representations made to him by those that are near and great about him. Mr. *Ruy*, than whom a more notorious and known Villain lives not, appears in the Town in new Cloaths, and has declar'd to several what his Court-Employment is. Thus you see the Ministers have done their part on this head, and have given several but so short opportunities, that it was impossible to make out the Popish Plot any farther than it already is ; they have been unfortunate only in this, that so many honest and well laid Designs have failed, whereby they assured themselves before this, to have made it a plain Presbyterian Plot, and the Papists to be owned the King's best Friends.

But this Declaration tells us, The Protestant Religion shall be preserved, if it may consist with the due Succession of the Crown ; that is, the Duke of *York* must not be excluded, come what will of Religion or the Nation : But if no Bill pass, will not the Laws of Nature and Nations deliver a Protestant Kingdom from a Popish King ; *Arniseu* and *Barclay*, the two greatest Champions of Absolute Monarchy, yet allow two Cases wherein Subjects may help themselves ; Alienation to a Stranger, and *Servitia*, or barbarous Cruelties ; both which must meet in a Popish Prince ; he alienates one half of his Regal Power to the Pope, the mortal Enemy of both us and our Estates ; and for Cruelty nothing can exceed what we are sure to find from the best of them.

But the Religion Established must be preserved, and the Monarchy not destroyed ; that is easily done, give us a Protestant Successor ; and it is worth the Observation, that the Expedient from Court, the last Parliament at *Oxford*, directly destroyed the Monarchy, and secured not the Religion ; it only shewed that the Ministers had so great power over the Mind of the King, as to persuade him, that in Honour, Justice, and Conscience, he must never consent to take from his Brother the Name and Right of being King ; but he might banish him during Life, make it Death for our Sovereign Lord to set foot on any part of his own Dominions, take away all his Power and Revenue ; by which they plainly confess, 'tis not Right, or the Monarchy, they make conscience of ; or else they well know, allow the Title and the Right, and your Expedients will be void of themselves. This were the way indeed to establish another most unnatural War of Expediency against an avowed Right and Title ; and a standing Force

A Letter from a Person of Quality to his Friend,

we may be assured would be continued and increas'd, to maintain the Right : But on the other hand, exclude the Duke and all Popish Successors, and put down all those Guards are now so illegally kept up, and banish the Papists, where can be the danger of a War in a Nation unanimous ?

But if the King could have been brought to give his consent to a Bill of Exclusion, 'tis said, the intent was not to rest there, but to go further, and to attempt some other great and important Changes even in present ; nothing more certain, or more reasonable : If the King should pass the Bill of Exclusion against the Duke, certainly he must put his known Creatures out of Offices both Military and Civil ; he would at least banish the Papists absolutely the Court, and in great measure *England* ; or else it were indeed to nurse up a War in our own Bowels ; and the Bill of Exclusion would prove but a *Flanders* or a *Scotch* Journey for him to come back with more fury ; when the Bounty of the grateful Subjects to their Prince, shall have enabled them to secure his return ; the delivering us from a Popish Successor is a great Mercy ; but 'tis a greater as 'tis an Earliest to us that the King has changed his Councils, and that the Popish Party have no more influence on them ; the Duke of *York* is certainly more dangerous to us as he is the Great Minister of State, then as he is Successor : His Brother's Religion and excellent Qualities gives him more opportunities to ruine us and our Religion, whilst he imposeth on his Brother, than if he were bare-faced to act the Game himself.

Thus you have a short View of the Demands and Offers the Declaration mentions ; the next you are to consider, is, What the Returns were the House of Commons made so unsuitable to them.

The Addressees said to be in nature of Remonstrances ; he that reads that of the 21st of *December*, 1680, will find it as full of Duty and true Affection to His Majesty as is possible to be expressed ; the Nature and true State of Affairs would not bear a milder way of representing it truly to His Majesty, in a Case of that vast importance both to him and his People ; many wise and good Men thought they had ventured too far in mentioning and assuring Money, before our Safety was fully provided for, for a House consisting of 500 Persons, are not capable of treating as private and single Persons are ; Jealousies easily arise amongst Numbers, and 'tis difficult to assign who shall act the easy, and who the disobliging part, if an Agreement be in view.

As for Arbitrary Orders for taking Men into Custody, for Matters that had no relation to Privilege of Parliament, the House of Commons have this to say for themselves, *That they have erred with their Fathers* : the Power of that House concerning taking Men into Custody, has not yet received an exact adjustment ; and there wants not Presidents of like nature in many former Parliaments ; besides this concerned the Rights of the People in suppressing their Petitions to the Fountain of Justice, for the assembling that Court wherein it could only be administered, as to those Cases, the extreme danger of his Person, and the Government then lay under ; and to assemble that Council, he and his People could only safely confide in ; and to the demand of which to sit annually and effectually they had so good a Title by Law ; I should not have expected this Head to have been made part of the Declaration, if they had remembered what an illegal Proclamation was published on this occasion, that gave the rise of all.

The strange illegal Votes, declaring divers eminent Persons to be Enemies to the King and Kingdom, are not so strange, but very justifiable if well consider'd. The House of Commons had before address'd for their removal from about the King ; he was pleas'd to take no Notice, of their Addresses ; and indeed it began to be an Observation, that an Address from the Commons against any Man, was a certain fore-runner of his Advancement ; it had proved thrice so to the Duke of *Lauderdale* : and on the other hand, their Addresses on the behalf of any, had never had but contrary effects ; yet I think one may affirm by Law, the King ought to have no Person near him, that hath the misfortune of such a Vote. If the House of Commons declare they have just reasons to fear such a Person puts the King on Arbitrary Councils, or betrays his and the Nation's Interest ; must there be order and process of Law, and proofs against them before he be removed ; this is reasonable, in case you would Fine him, deprive him of Life, Liberty, Lands, or Offices beneficial, and wherein the publick State Affairs are not immediately concern'd, but to remove him from the Person of the King, or the management of Affairs of State ; certainly the Opinion and Advice of the Nation is enough, or else you must allow him time to act his Villany, and the Nation run the hazard ; besides, is it possible the King can expect Supplies of Men, Money, Hearts, and all which is due to the Father of the People ; if he manage his Affairs, by such Persons as they think they have reason to fear and hate ? there are some things so reasonable that they are above any written Law, and will in despite of any Power on Earth have their effect ; whereof this is one. Besides the King is a pub-

publick Person, in his private Capacity as a Man, he can only eat and drink, and perform some other Acts of Nature; but all his actings without himself, are only as a King, and in his Politick Capacity he ought not to Marry, Love, Hate, make War, Friendship or Peace, but as a King, and agreeable to the People, and their Interest he governs. The wisest and greatest of our Princes have always hearkned to the Addresses of their People, and have removed sometimes a great many Persons at once in pursuance of them.

Besides these Proceedings, there are three Votes of the last *Westminster*-Parliament, complained of in this Declaration.

Those two concerning Lending or Advancing Money on the Customs, Excise, or Hearth-Money, and buying Tallies of Anticipation, are certainly very wise and justifiable Votes; 'tis a new Phrase; *The King will live upon his own*: as if he had like the Elective Kings of *Poland*, a private Revenue of his Family; whereas 'tis all the publick Revenue. He is trusted with the Disposition of part only, and that too with the Advice of certain great Officers; a Secretary of State, and Lord Privy Seal to the smallest Sum, to all great Payments the Lord Chancellor is added; the other part of the Revenue is assigned to Uses, as the Customs to the Maintenance of the Navy: The Maintenance of the Household, the Tables at Court, and Wages of the King's Servants, were in our former King's Reigns by Acts of Parliament so Established, that the Cofferer had his Money paid to him out of the Exchequer, under very heavy *Nomine pend's*; and the Parliament, especially the Lord's House, took it always as part of their immediate Care; it maintained the Dignity and Honour of the Government, it contributed exceedingly to Love and good Understanding betwixt the King and his People; no Country Farmer had business at Court, but he found those bid him Welcome, so had all Degrees; therefore the King's Servants had justly the same return where ever they came; the Language of the Court was not then, *Who goes there?* nor their outward Rooms were not to be discerned by the smell of Match, but of Beef: Besides, 'tis well known through the Nation, that the Bankers (the only Traders in that way) are the bane of the Gentry and Farmer, if not of the Merchant too, they keep up the Interest of Money, drain the Country, buy up Warrants, so as the King pays Twenty, and Five and twenty *per Cent.* for all his Expences; the Revenue is in many Branches particularly provided, shall not be alienated; if the Bankers may anticipate it for several Years by their usurious Loans, who must provide for the Nation? Must not the Parliament supply the King? And if there be another way of supplying the King's Wants, but by Parliament, the great Hinge of the Government is lost; therefore I do not know a thing more truly criminal and pernicious, than what these two Votes provide against.

The Vote concerning the Protestant Dissenters, was not made as an assuming to themselves a Power of suspending Acts of Parliament; neither are the Judges or Ministers of Justice expected to forbear their Duties, if His Majesty shall require the Execution of those Laws; but 'tis the delivering the Advice and the Opinion of that House in a matter of so great Concern in this Juncture; and certainly it was a wise and pious Council, which thought it could neither command nor secure the Justices and Judges from doing their Duties if required; yet we may justly expect, that those that manage the Councils should hearken in so plain a Case to the Voice of the Nation, or give the following Parliaments a Measure how to confide in them; and the Judges and Justices, if they receive no fresh Command from above, are in Discretion and Conscience, as much obliged to omit the Execution of these Laws, as they are that of Bows and Arrows, and several other Statutes yet in full force, but out of use: I have ever thought so well of the King's Temper and Goodness to all his People, that I should have thought this a desirable handle for his Clemency to have laid hold on; my Lords the Bishops cannot find this Proceeding so severely against Dissenting Brethren, to be justified by the Practice of the Primitive Church, nothing so common as different Rites, Ceremonies, nay Doctrines amongst them; and yet the Band of Charity and Love maintained; never until Power and Wealth beset Religion, and the Prince and Church made use of each of other to enslave the World, did Christianity learn to Persecute; a settled National well-endowed Church, is a Beauty and a Bulwark to Religion, if it be not made a *Procrustes*-Bed, to destroy all that either come short or go beyond in any Opinions; they have the advantage in Honour, Education, and Wealth; if they have the Piety and Prudence to employ that to the Protection of Religion, and the Charity to bear with weaker Brethren, they will certainly have the most powerful influence on Mens Minds, and make such an Unity as to be themselves the Center and Reliance of the whole Protestant Party.

But this last Vote had certainly no part in the putting off that Parliament, for the King was in his Chair of State, in his Robes, before the House of Commons passed the Vote: The Reasons for dissolving the last *Oxford* Parliament are of the same weight.

The

A Letter from a Person of Quality to his Friend,

The business of *Fitz-Harris*, and the transported Votes of the House of Commons without any Conference had; How shall the House of Commons come to Conference, before they are come to a Resolution, or determinate Opinion among themselves? How shall they do that without a Vote? Assemblies cannot think as individual Persons can, they have no Mind but their Vote; the King provided well for the Lords, whose Vote could not have born a Conference; and less could not have been expected, since he himself was seen in the Lord's House to inform them Man by Man in the point; Did ever a Court of Justice refuse to retain what they had Cognizance of? Until they had heard the Nature of the Case opened to them; and this Charge brought up by the Commons was only general; if the House of Commons had to say, they impeached this Man before the Lords, not daring to trust a lower Court, or leave the Prosecution to others, because the Case concerned those nearest about the King, and of most Power with him; his Favourite Brother, and Royal Consort, were peradventure accused; put the Case, the two *French* Dutcheſſes, and honest *Barillon* had managed an Intrigue to make this a Presbyterian Plot, and to prove it by cutting off the Heads of several of the most eminent Members of both Houses by Subornation and Perjury; a proceeding not unusual to some Courts; all the Mischief, Poysonings, and Villanies in all the *European Governments* being chiefly owing to the most Christian Politicks: If *Fitz-Harris* were able to discover the bottom of the horrid Popish Plot, and all this to boot, was this to be turned off to *Westminster-Hall*? Besides the nature of his Offence and Condition was not such, as should enforce a speedy Execution; nor could the Houses be possibly thought to design a delay to Tryal in favour to him; no Man can say, but 'tis probable enough he might discover that, that mought deserve his Pardon, for more than he or any other Man could offend in Writing, but of this, whatever either House had done, the World was judge of, their Reasons could not be in private, and the King was still Master of his own Grace and Pardon.

But that makes amends for all, is the King's resolution to have frequent Parliaments, without which he cannot govern according to the Laws of the Kingdom, which he is sworn to at his Coronation, and which his Subjects challenge of him as often as we take the Oath of Allegiance; but Parliaments are like Terms, if they be Ten in one Year, and so short as to hear no Causes, they do no good; the Nation hath a Right to Annual Parliaments to dispatch the Affairs necessary and proper only for them; the King's Prerogative at what Time of the Year and Place, they should be called, and how long they should last, is but subservient (if I may use a plain Phrase) to the great End and Design of the Government, and must be accommodated to it; or we are either denied or deluded of that Protection or Justice we are born to.

I have nothing to say on the behalf of those Angry Men, whose particular Designs for their own Ambitions and Greatness are disappointed; only whoever knows those turned out, and those now in, must needs think the first mought have kept their Places if they had pleased; the only difference I can find is, that those could have ruined us and would not, these cannot if they would.

The fondness of old beloved Common-wealth Principles is not to be imputed to either House of Parliament, or indeed to the Nation; there never was a People more desirous of their old Government and Laws, or that have shewed more Duty or Respect to their Prince; the Court-expedient-mongers were indeed selling a Republick, and I fear the change of our Government from none but the Papists; Absolute Monarchy or a Levelling Democracy will either serve their turn; the most Democratical Cantons of the *Swiss* are zealous Papists; those Governments are both Tyrannical, and the Priest hates only Truth and Liberty; the bloody luxurious Tyrant, and the unlearned mean Clown both readily obey his Dictates; whilst the wealthy Free-man thinks for himself, and will not venture his Soul nor his Money against common sense.

The Declaration concludes with this good News, that the King is resolved in all things to govern according to the Laws of the Kingdom. I should almost for Joy set my hand to the late Romantick Address of the *London* Tories, but that I remember we have had many of these Promises before, and they have been all either broke or kept; if this be of the latter sort, we shall see Annual Parliaments sit until the necessary business be dispatch'd; we shall have the Reverend Prelates, Lords Temporal, and Court-Members, left free to Vote and Advise as they shall in their own Reasons and Judgments think best, and not commanded before-hand how to Vote, or turned out of their Places if they do other; His Majesty shall not command the Clerks of the Parliament to lay aside Bills past both Houses, and never tender them for the Royal Assent, as the Bill of Repeal of the 35 of *Elizabeth* was left *Westminster-Parliament*; the King shall then be advised by his Parliament, and not his Parliament commanded what to advise, what not: We shall have no more Declarations against his Parliament, read in Churches without lawful Authority, for the publishing or colour of reason for the Complaint; but we shall all be happy, and the King be himself.

*An Account of SCOTLAND's Grievances, by Reason of the
Duke of Lauderdale's Ministry: Humbly tendered to
His Sacred Majesty.*

TO THE KING.

SIR,

THE following Sheets, containing for the most part the Complaints of your People against your Commissioner, do so naturally address themselves to your Majesty, that I could not deny them this Inscription. Some may possibly endeavour, to render the Presumption more criminal, by censuring what is thus offered, by a concealed hand in a publick manner, for a Libelling Pamphlet: and truly I am sorry, that the more Iniquity of the Objectors, should force upon it so much of a disloyal Resemblance: but seeing that it advances nothing, which I might not avowedly present to your Majesty on your Throne, and invironed with both your Parliaments, and there own and justifie in every Point; I am hopeful that the Truth and Importance of what is here honestly held forth for your own and your Kingdom's Good; and not the Partiality of any whose Interest it is to have Abuses covered, shall incline you to a more favourable Reflection. I must also tell your Majesty, that after the Endeavours that have been used to inform in the more dutiful Methods, what appears less civil in this (that may be thought too communicative) is nevertheless excused by a very Loyal Expediency; for albeit your Majesty's Goodness be indeed the great Comfort and Hope of your People, and their Loyalty an Impregnable Defence against all sinister Suspicions; yet this Discovery of some Mens peculiar guilt in these strange Doings, wherein for their own Safety they have dared to involve your Majesty's Authority, may both fortify by a general Concurrence, my weak Enterprise for your Majesty's better Information; and also signally contribute to the Assistance and Relief of Duty against too many obvious Temptations. However as I am sure, that a Success in this Essay suitable to the Sincerity of the Affection whence it flows, is the most dutiful Wish that any Heart is capable of; so that your Majesty may be constantly directed to those Counsels and Courses that may render you the most Glorious and blessed of all Princes, is and shall be ever the fervent Prayer of

SIR,

Your Majesty's most Humble, most Obedient,
and most Affectionate Subject.

WHEN in the Year, 1660. It pleased God to restore his Majesty, to these his Kingdoms: with more Cordial and Universal a Joy this Blessing was welcomed by Scotland, is almost still recent in every ones Remembrance: Neither was this Joy a mere Rapture of Passion; or its Demonstrations confined to transient Expressions: His Majesty had done all for himself and us, which God did for both; the real and solid Rejoicings of our Acknowledgement, could hardly have been more sincere. I shall not at present descend to a full Enumeration of Instances, the whole tenour, of the greatest part of the Acts, pass'd in Parliament in the Years 61, and 62, do make but one entire Evidence; yet there are a few things which do well deserve a more particular Observation.

As first, that upon occasion of our former Troubles, and as if their cause and rise had only been from the People's Mutiny, taking advantage of the defects or neglects of the legal Power, that might have prevented it; we did establish both by Acts, Oaths, and Subscriptions, his Majesty's Prerogative, to be absolute and uncontrollable, in the choice of all Officers of State, Counsellours and Judges, and in and over all Matters of Peace, War, Leagues, Bands, Meetings, Conventions and Parliaments, with a distinct Exclusion of all Exceptions. It is true, that many did even then think this a stretch beyond what the Frailties of Men, and Casualties of humane Affairs, can reasonably stand; and that it is no less Wisdom, to val the sacred Heights of Sovereignty under the Shadow of an uncontrollable Supposal; than to expose them, by peremptory Determinations, to the Cavillings of irretrievable Engagements; and therefore did prefer the Moderation of our Ancestors, who notwithstanding the frequent Occurrence of many more violent Provocations, yet did ever leave these Points, in that fair Indemnification, which Duty doth always contrive to an Universality, without interfering with the Pretences of Necessity: But Heavens extraordinary Favour did at that time to temper the Constancy of our Love to a Prince so long wished for, that our great Possessions of his final and unshaken, without any Regard to the peevish Cautions of a mortal's Prudence, were the only Measures of our Concession. And therefore,

Secondly, Our Loyalty did not stop short; but, notwithstanding that the foundation Policy hath always judg'd, *The Power is in the Prince, and Power is due to the People*; to be the constant Alliance of Government; yet we, forgetting all preceding Distresses, to reduce the continuance of our Affection by the rarest Indication whereof our Nation is capable, do freely add to his Majesty's Revenue, above the double of what he formerly posses'd; and do neatly grant him, by a voluntary Establishment, more, I am perswaded, than ever his benign Disposition would have exacted upon an absolute Surrender: And indeed this our liberal Offer, was, at that time, so rightly esteem'd the summit of our Ability, That amongst other Motives mentioned in the Act of Parliament, it is expressly set down, *That his Majesty had signified his Resolution not to raise any more Ship*; and yet how often, since that time, our Benevolence hath by Commissioners been drawn forth, beyond our power, upon pretext of his Majesty's Contentions: The Taxations and Assessments that have been impos'd on us, within these few Years, do plainly witness. But,

Thirdly, so exuberant were the Propensions of our Hearts towards his Majesty, that if all this Subjection profess'd and liberality offer'd, had been far short of Duty; we further, by an Act Entitul'd, *An humble Tender to his Sacred Majesty of the Duty and Loyalty of his most Excellent Kingdom of Scotland*, mancipate our very Liberties and Powers to his Majesty's Devotion and Service; and do thereby in Acknowledgement of our Duty, make humble and hearty offer to him of Twenty thousand Foot-men, and Two thousand Horse-men, sufficiently armed, and furnished with Forty Days Provision, to be in readiness upon his Majesty's Call, for the ends there mentioned: And by the same Act the Parliament doth declare, that if his Majesty should have further use of their Service, the Kingdom would be ready, every man, between forty and sixteen, and hazard their Lives and Fortunes, as they shall be call'd for by his Majesty, for the Safety and Preservation of his Sacred Person, Authority and Government.

Fourthly, That there might be nothing wanting to these ample Expressions of our Loyalty, the Parliament by another Act, in dutiful and humble Recognizance of His Majesty's Prerogative Royal doth declare, that the Ordering and Disposal of Trade with Foreign Nations, and the laying of Restraints and Imposition upon Foreign imported Commodities, do belong to His Majesty and His Successors, as an undoubted Priviledge and Prerogative of the Crown, and that therefore they may do therein as they shall judge fit for the good of the Kingdom.

Fifthly, That it might appear to the World, that we placed the Security of all our Interests, more in our Confidence of his Majesty's Goodness, than on the firmest Provision of the best Laws; although the Parliament 1641. was held by his Majesty's Father of Glorious Memory, present in Person, and many Acts were there pass'd

fed and supercribed by him, for the Settling of our Religion and Liberties, with all the Maturity of Judgment, that long and well weighed Experience, many and well managed Treaties, and England's Mediation could furnish; yet because their Lustre seemed to be a little stained, by the ingrateful Remembrance of some previous Contentions, wherein it was our Misfortune to have his late Majesty differing from us, we at one Blow annul that Parliament, and without other Reason or Distinction rescind all its Proceedings.

Sixthly and lastly, That for to evidence our unparallel'd Submission and Resignation unto his Majesty's Pleasure, and *how that*, according to the usual Phrase of that time, *all that was dearest to us, was to him surrendered*; notwithstanding, that the Nation since its first Reformation from Popery, had almost continually opposed Prelacy, and after having ejected it with the severest Exclusions, had for many Years enjoyed a Church Constitution and Ministry, which at least was highly commendable, for its advancing of true Knowledge and Piety, and in the worst of times did prove the surest Bulwark of Monarchy: Yet, out of meer Compliance with his Majesty's Will, our Parliament doth consent and the People silently acquiesce to Presbytery's unexpected overthrow, and Prelacy's Re-establishment; not that the Ruines of what the most part did esteem to be the Labour of their Fathers, and work of God, were at that time unconcernedly regarded, or the Consequences of this Alteration, which have since ensued, in the least unforeseen; but in a word, to a King so acceptable to us, and to whom we had already given all things, we could refuse nothing.

These and other Arguments that then occurred, of the Sincerity and Satisfaction of our Joy, for his Majesty's Return being considered, I think that Passage *Psalm 126.* was not of old more truly said, by those concern'd, than we may now directly and without Paraphrase transfer it to our selves, *viz. That when the Lord turned again our captivity, we were like them that dream; then was our Mouth filled with laughter, and our tongues with singing, &c.* But having said enough of these things, by way of Introduction, both for clearing of some particulars, that will hereafter fall in my way, and also, for obviating any Mistake that can possibly arise in prejudice of the Country, upon the matters that have been lately agitated among us; I need not use any long Deduction of the intervening Changes, to lead us into the present Posture of our Affairs.

The Earl of Middleton was first honoured with his Majesty's Commission, and did therein bestir himself very vigorously, but over-hastning and over-prizing his Work, he soon rendred himself obnoxious; so that upon the mutual Jealousies betwixt him and the Duke, then Earl of Lauderdale, the Earl of Middleton in his Passion mistaking the Method of Billeting, for that of open Voting, and in a more justifiable Presentment then righteous Judgment, causing my Lord Lauderdale to be Sentenced incapable of Publick Trust; Lauderdale getting the Advantage, and managing it at Court, by a base Insinuation of the Earl Middleton's generous Disdain of his unworthy Practices, in a short time he prevails to Middleton's overthrow; and as the Course less invincible, obtains his Commission to be transferred to the Earl of Rothesse, whom he accompanies from Court to this Kingdom, for concluding that Parliament.

And in this last Session thereof, it was, that the Act, and humble Tender above-mentioned, was passed with that exorbitant Clause, offering the Forces therein commended on, *To be in readiness, as they shall be called for by his Majesty, to March to any Part of his Dominions of Scotland, England, or Ireland, for suppressing of any Foreign Invasion, intestine Trouble, or Insurrection, or for any other Service, wherein his Majesty's Honour, Authority, or Greatness may be concerned.* Which, though at that time it was look'd upon by some, as superfluously Express, and suspiciously Distinct; (a general Offer, being a more agreeable Signification of Duty, and a Limitation to Scotland, more proper to a Parliament's Prudence,) yet the Stile and Humour of those Times, did easily exempt it from particular Notice: But what my Lord Lauderdale, its principle Contriver, did thereby intend, Time, the best Revealer of secret Designs, hath since sufficiently discovered.

This Parliament being dissolved, our new Triumphant Church (a Quality, which no Church on Earth did ever evenly bear,) came next upon the Stage, and being fully Authorized by the Laws lately made, and then also Armed with their High Commission, they go on in the Years 1664. 65. 66. with their Dear and Important Conformity, at so Christian a rate, that I verily believe, that all Men except a few of our laborious and indefatigable Ghostly Fathers, were perfectly thereby tired out; What Pranks were play'd, Tumults excited, and Trajedics acted in these Years, by our Reverend Clergy, as if emulous of that Presbyterian Zeal which they use so hotly to decry, needs not hear to be repeated: My Lord Lauderdale himself, though at that time our sole Minister, was in appearance so overcome, and born down by them, to a desperate Indifferency, that in Probability, if the Earl of

An Account of Scotland's Grievances.
Twissel, and Sir Robert Murray had not come in for his Admonition, and our Relief,
the Land might have been reduced to the greatest Extremities.
then the Honour of his Favour, and thereby access to represent
of a very feasonable Delive-

Swaddell, and Sir Robert Murray, had not done much for the Land might have been reduced to the great Extremities. But they, having then the Honour of his Favour, and thereby access to represent things in their true State, became the happy Instruments of a very reasonable Deliberance, and afterwards of a more expeditious Indulgence; whereby the Country was very kindly relieved, and a great part of its Disquiet composed: And this was the Condition of our Affairs, when unluckily in the Year 1669, my Lord Lauderdale, taking into an itch of *Glory*, and thirsting for a little of that *Glory*, whereof he had long coveted the Power, procured a new Parliament to be call'd, and himself thereto named Commissioner. Now, it being from the Date of this Commission, that we may truly calculate the rise or fall of our late *Michiſſes*, it will not be amiss, that in the first place, I summarily run over the Occasions, and continuing of this Parliament, and thereby make way to their more coherent Representation; and it is notoriously known, that the first cause made for its Assembling, was the Motion of an Union betwixt the two Kingdoms; but the Matter being of great moment, our procedure must also be very judicious; and therefore, during all the first Session, which continued from the 28 of October, till the 10 of December, all done about it was only the Parliament's Answer to his Majesty's Letter. But the Truth is, the Honour, Power, and Profit of the Place of King's Commissioner, being once raised, did prove by far the more tempting, and therefore the Parliament must be continued, for Prosecution of the thing, and therefore the Session, which was accordingly held, from the 28 of July unto the 22 of August, 1670, and therein the Commission for the Treaty, is, in little more than an hour, concluded by such Persons, as it should please his Majesty to nominate, or rather, as my Lord Lauderdale to suggest. But, albeit that, within a very short space hereafter, this whole Project was marred, and its Design dissipated like a Vapour; yet our Parliament, and its Grace's Commission were still kept current, until that very happily the War, which he had helped to bring on, gives him a new Colour for a third Session in the Year 1672, and thereby occasion to honour us with a Visit. At the opening of this Session, his Majesty's Letters are read, intimating the War to be the Cause of their Meeting; but which is stuff'd with such Hyperbolical Commendations of my Lord Commissioner's Grace, that I am charitable to think, that neither his Presumption would have served him to move his Majesty to such things, nor even his Modesty have contained, that the like should be said of him, if it had not been a designed Gallantry for his new valuable Dutchess, who by a novel Practice, had her Place prepared and waiters present: And certainly it is in the same Reason, that we must ascribe his breaking up of this Session in the middle, for leading of her Grace, *scilicet* *modestly* *scilicet* about the Country, for several Weeks; the Members of Parliament, being left to attend their Return: And so after the close of this Session, which did out from the 12 of June unto the 19 of September, he goes back again to Court, without any mention of a Dissolution; which nevertheless in his particular, happened well: For finding that matters in *England* began to frown, and that in the Summer 1673, the Clouds thickned exceedingly, even to the threatening of an inevitable Eruption, at the ensuing Meeting of their Parliament; if *Scotland*, formerly the Theatre of his *Glory*, had not now presented as a convenient Retreat, he might have been in great Perplexity. And therefore for a fourth time, down he must come, only the presence was not so obvious, yet the war not ended, and the Disorders of the Fanatics that have lewd many a Turn, are judged sufficient matter for a Letter, wherein his Majesty recommending, first the Security of the Kingdom, and next the severe Chastisement of Nonconforming Disorders, concludes with many good words in Behalf of his Grace in the usual manner; but the 12 of November, the Day of the Meeting of Parliament being come after the Reading of His Majesty's Letter, and a short Speech made by the Commissioners, he is greatly surprized, to hear a Discourse of Grievances begun by Duke *Chambers*, and seconded vehemently from every Quarter, so that he had no way to extricate himself, but by a short Adjournment; And thus, from that Day to the 9th. of December, keeping only five Meetings of Parliament, he, on the one Hand, endeavours by redressing the Grievances of the Salt, Brandy, and Tobacco, Cabaling with his few Adherents, and insinuating with some of his Opposites, to appease matters; and on the other, he Fights and Wrestles, with Pretences of his Majesty's Prerogative, and abrupt Adjournments, to stave off more touching Complaints; until perceiving all his Ground to be lost, he is at length necessitated to deliver himself by one long Adjournment for all, and to wait for a more favourable Opportunity, from the issue of things then in Dependence in *England*. But notwithstanding, that all things, both at Court, and concerning the *English* Parliament, have succeeded to his very Will, and that in this Interim, he hath omitted nothing at home or abroad, which might dispose Affairs to a more propitious Aspect; yet when the Meeting of our Parliament recurs, on the 3d. of March, he again, by his Majesty's express Command, chuses to adjourn it unto the 14th. of October next, to the unexpressible

preffible surprize, and diffatisfaction of both Parliament and People.

Having thus difpatched the Narrative of our Parliament and its Seflions ; for the better understanding of the Causes that have occafioned our Difcontents, and increafed them unto the prefent Diftemper, it may be remembred, that after that the Earl of *Middleton* was laid afide, the whole management of our Affairs at Court was devolved upon my Lord *Lauderdale*, as fole Secretary for this Kingdom ; neither can it be accounted an impofing, by any knowing Perfon, to affirm, that he did no lefs abfolutely exercife it.

His Majesty's long abfence from our Country, and his neceffary unacquaintednefs, by reason thereof, both with Perfons and the Condition of Matters amongst us, do certainly extend, and raife this Employment to the greateft and higheft Truft : But my Lord *Lauderdale*, according to his *Noble Self-confidence*, apprehending more the controul of other Mens officious medlings, than the leaft poffibility of his own mif-taking, did further improve the thing, by the particular care and caution, that he took, to have himfelf His Majesty's *fole Informer*, as well as his *fole Secretary* ; and therefore, not only upon the pretence of His Majesty's Prerogative, were our Matters, for the moft part, difpofed of above, without any previous Advice of His Majesty's Council in *Scotland* ; but ftrict Notice was alfo taken of all *Scotch-men* coming to Court ; and to attempt an addrefs, or accefs to His Majesty, otherwife than by my Lord *Lauderdale*, was no lefs than the hazard of his implacable Refentment. I need not here mention his fupine, or rather designed neglect of introducing *Scotch-men* to Offices about Court ; it is obvious to every one, that even thofe Vacancies, happening by the Death of *Scotch-men*, were there through his fault difcontinued from the Nation : It was alfo his Study and Work, as he hath often publicly boated, to have the *Court Council* for *Scotch* bufinefs, upon pretext that it confifted of *Engliſh-men*, difufed and fuppreffed : But as it is evident, that he did draw to himfelf the whole fignificancy of our Nation in *England*, meerly for the augmenting of his own value ; fo it is no lefs clear that he ordered all things amongst us at his own pleafure : Thus, from himfelf alone, Privy Counfellors are named, Lords of Seffion and Exchequer placed and removed, Gifts and Pensions granted, Armies levied, and difbanded, General Officers appointed, this Parliament called, and all other Matters of Importance tranſacted, as he thought good to advife and direct : And the truth is, that for feveral years, the thing was quietly comported with, forasmuch as we did not only confider that the prefent State and Circumftances of our Government, did ſome way oblige us to this Condition ; but did alfo find, that fo long as Chancellor *Hyde* did force my Lord *Lauderdale* to confult more his Prudence than his Humour, his Adminiftration, though too abfolute, was yet not altogether unreaſonable : But, this Reftraint being once removed, and his Ambition left at liberty, to ſwell with his Proſperity, what ſtrange and grievous Effects it hath ſince produced, eſpecially after his riſing to be His Majesty's Commiſſioner, the plain Hiſtory of Things, without the perſuaſions of any other Argument, will beſt evince ; and becauſe that the Order obſerved, or intended in Parliament, will probably give moſt ſatisfaction, it ſhall alfo be the Rule of our Method.

The firſt and great Grievance then mentioned in Parliament, was the Monopoly of the Salt, which being by my Lord *Lauderdale* procured to the Earl of *Kincaiden*, his Friend, by His Majelties Gift, allowing the præemption of *Inland*, and prohibition of Forreign Salt, was worth to the intereſſed more than 4000 l. ft. yearly ; but not only with twice as great a diminution of His Majelties Revenue, but to the general and heavy diftreſs of the whole Country ; it being moſt certain, that the Nation was thereby reduced to thoſe ſtraits, that in many places, the *poor* People were neceſſitated to fend ſeveral Miles to Sea for Salt-Water, to ſupply their Indigence ; and in other places were conſtrained to give 18 or 20 Shillings ft. for the ſame quantity of Salt, which, before the granting of this Gift, they uſed to buy for 3 s. and 6 d. or 4 s. ; ſo that in effect the Clamours of the People were ready to break out into Uproars and Tumults. Which Grievance is ſo much the more chargable upon my Lord *Lauderdale*, becauſe that when His Majesty's Chief Officers, perceiving that the firſt-deſign of this Salt-project could not take, and that the Conſequences of this Gift would be very hurtful ; did by their Letter give full Information to the Court of the Prejudices and Dangers likely to enſue upon it ; inſtead of prevailing, they were rather chid and menaced for being ſo officious.

The ſecond Grievance was that of the *Brandy-wine*, which was thus occaſioned ; in the Parliament 1662. there was an Act made, prohibiting the Importation of Strong-Waters, and ſo of Brandy-Wine ; whereupon in the Year 1672. my Lord *Lauderdale* obtains for the Lord *Elphingſton*, who had married his Niece, a Gift of this Prohibition, and of the Seizures that ſhould be made upon it ; but the Contrivance was not to render the Law effectual, but indeed to circumvent it, for the Patentees

advantage; who in place of hindering the import, did give to the Merchants Licenses upon Composition at the rate of 15 or 16 *l. st. per Tun*, which would have amounted to at least 3000 *l. st. yearly*; and hereby vast Quantities were imported, without the payment of either Custom or Excise, and yet vented again in the Country at excessive Prices.

The Third Grievance was a Gift of 2 $\frac{1}{2}$ *d. per Pound*, upon all Tobacco imported; this Gift was granted in the Year 1673, to Sir *John Nicolson* for himself, and some other of my Lord *Lauderdale's* Friends, who were his Partakers, whereby they should have made a considerable benefit, but with the damage of, at least, 2 or 3000 *l. st. yearly* to His Majesty's Treasury, and the great Extortion of the People. These were my Lord *Lauderdale's* wife and faithful Improvements of His Majesties Prerogative in the matter of Trade, which he was so instrumental to have declared, and indeed are Perversions so palpably gross, that comparing Events with their Causes, a Man may find great reason to doubt, whether my Lord *Lauderdale* did not intend these very Abuses, as much in the framing, as in the violating of these Laws: And yet when they came to be complained of in Parliament, what imposition and indignation he shewed, even to the straining of His Majesties *Sacred Authority*, in its most tender and delicate part, many hundreds can testify. Neither can it be alledged that the things were first moved in Parliament, not for a Redress from my Lord Commissioner, but in order to a Representation desired to have been made to His Majesty. Because that first, they being so enormous, and yet instances only, and not the whole of our Grievances; a representation to the King was not more necessary for an adequate remedy, than for future prevention. Next, the matter of the Salt had already been fully remonstrated to His Majesty by His Officers of State, and by my Lord *Lauderdale's* procurement, a sharp Rebuke, instead of a gracious Relief, was all the return, as I have already marked. But lastly, it is most probable by all Circumstances, that if it had not been from the fear, and for the diverting of this representation, my Lord *Lauderdale* in place of hearkning to a Redress, had according to the inflexible constancy of his great Soul, in the Royal Spirit of *Pharaoh*, and with the brave Politick of *Rehoboam's* young Huffs, answered these turbulent Murmurers, *You are idle, you are idle, your Yoke is heavy, but I will add therunto.*

However necessity, at this time prevailing, these three *Burthens* are removed, to the Peoples great comfort, and His Majesty's considerable advantage. But here it is that we are to remark, that the thing wherein his Grace did find himself mostly concerned, was the proposal made, as I have touched, that His Majesty should be by his Parliament immediately informed of the true State and Condition of the Kingdom; and indeed his Grace was thereby so hotly alarm'd, that little more liberty of Speech was allowed, or order observed; but immediately His Majesty's Prerogative is pretended, that nothing ought to be moved in Parliament, except by the Lords of the Articles, that to them Complaints and Overtures should be first made; and if by their Votes thrown out, they should proceed no further: And therefore not only were all motions offered in plene Parliament, checkt and interrupted with this common Answer, *To the Articles*; but the Parliament was certified by his Grace, That if they should *All* agree to have Grievances otherwise treated and considered, he would interpose and hinder it by his great *Negative*.

Now because that this pretence of the Privilege of the *Lords of the Articles*, was justly lookt upon by all considering Men, as a virtual subversion of the Power and Liberty of Parliaments, alike prejudicial both to His Majesty and the Kingdom; it may be observed,

First, That this meeting of the Articles, by its last Establishment, consists of Eight Bishops, chosen by the Lords, eight Lords, chosen by the Bishops, and eight Commissioners of Shires, and eight Burgesses, chosen by the eight Prelates, and eight Lords, first elected, jointly to which were added by the Commissioner, the Officers of State.

Secondly, That in the contending for the power of this meeting, it was asserted, That not only all business must be by the Lords of the Articles, and by them only Tabled in Parliament; but that, if in the Debates upon their Reports, any new thing should be started, the Parliament ought not to take notice of it, further, than to return the whole matter to the meeting of the *Articles*, to be there entertained or suppressed at their pleasure.

Thirdly, That it is manifest from all our Records, that the Rise and Constitution of this Meeting, was at first by the free appointment of our Parliaments, who thought fit to name certain of their number, for framing such Overtures, as were offered for the Publick Good, into *Articles*, to be enacted for Laws, according to the ancient form; and therefore it being at first devised by the Parliament, as a simple expedient for order and dispatch; it was also both inconstant in its being, and variant in its number and method, according as the Parliament did see cause.

Fourthly, That as this meeting was in effect the Committee of the Parliament, for preparing Laws; so it is very well known, that there was another more ancient Meeting ordained by the Parliament, and called, *Domini ad querilas*, or (if you will) the Committee of Grievances, which having contained in all times, was only disused in the second Session of that Parliament 1661, to effect that private Affairs, which in the first Session of that Parliament, when our ordinary Courts were not set down, had taken too great a current that way, might after their restitution, return more easily to their proper Channels.

Fifthly, That the Act of Parliament of K. J. 6th, Appointing Four of every Estate to meet Twenty Days before the Parliament, to receive all Articles and Supplications, and deliver them to the Clerk of the Register, to be by him presented to the Persons of the Estates, to be considered by them, to the Effect, that things reasonable may be formally made and presented to the Lords of the Articles in the Parliament-time, and frivolous Matters rejected; doth no ways countenance this exorbitant Power of the Lords of the Articles, it being manifest by the order therein set down, of preparing Matters by a previous Meeting, and their subsequent forming and presenting, by the Three Estates to the Articles, that the Parliaments power of first receiving, and then committing Matters to that Meeting, was not at that time, so much as the subject of the Question. But the only thing intended, was the orderly Tabling of things in Parliament, as is yet further apparent, by what is there subjoyned, viz. *That no Article or Supplication, wanting a special Title, or unscribed by the Presenter, shall be read or answered in that Convention*, (to wit, of the Four of every Estate) or the Parliament following the same. Which is a Provision so clearly preparatory to the Meeting and Works of the Lords of the Articles, that it is indeed strange, how Men could have the confidence to obtrude this Act even to His Majesty, for proving their pretended Prerogative of the Meeting of the Articles over the Parliament, which I dare affirm, did never before this time enter into the imagination either of King or Parliament, since they were known in this Nation.

Sixthly, That in the Parliament 1663, where my Lord Lauderdale's influence was very eminent and signal, there was a particular Act made, *For settling the Constitution, and choosing of Lords of the Articles in all time thereafter*, wherby it is expressly provided, *That the Lords of the Articles are to proceed in the Discharge of their Trust, in preparing of Laws, Acts, and Overtures, and ordering of all things remitted to them by the Parliament, and in doing every thing else, &c.* Which Words remitted to them, do in their obvious Construction, and most received Signification amongst us, very evidently suppose and hold forth, the Power, and Use of proposing to be in the Body of the Parliament, and that the Lords of the Articles are to act upon their References, as their Committee.

Which Arguments being well perpended, and the unanimous Suffrage of Reason, Law, and Sence, that do plainly say, *That no Court can, or ought to be Cypherized by its own Delegates, being thereto added*: I think I may without difficulty affirm, That his Grace by attributing to the Articles this Pre-eminence, and Superintendence over the Parliament, and thereby depriving it of its just Liberty, did directly impugn, and highly derogate from its Authority and Dignity; and so became guilty of a greater Grievance than any of those which laboured to avoid. It's true, he wanted not cogent enough Motives for what he did; he saw in the first place, that the Meeting of the Articles, (whereof he supposed, that his former care, which the obsequiousness of the Bishops, would gain him the plurality,) was his only Refuge from the Terror that he became to himself in the apprehension, that otherwise his actions might come to be truly discovered by a faithful Parliament to a gracious Prince. And next, the Parliament had out of their exceeding Tenderness of Duty to His Majesty, testified in their preceding Sessions, so much compliance with all his Humours, as well as deference to his Character; that he had fully assured his Ambition of their Eternal Submission; neither was this assurance a groundless flattery; for he knew that he had put the Matter to the proof upon several occasions: As first, when upon a vacancy; falling out in the Meeting of the Articles, the Parliament did allow him to supply it by his Nomination. Secondly, When contrary to the received Custom, (and yet without contradiction) he caused to exclude from being present at the meetings of the Articles, all such Members as were not thereto named; to the effect, as it is probable, that the Body of the Parliament being less prepared, might the more implicitly go along with all their Conclusions. And Thirdly, When in the third Session of this Parliament, upon an Overture made by a Debate upon the Sumptuary Act, that the Summer Session might be taken away, he passionately blustered out, *That for that very presumption, the thing should not be done, so long as he was Commissioner*: with many other foolish words to this effect; yet in all these he was tamely born with.

But albeit, these things may possibly excuse his being so untractable to free reasoning

soning, with which he had been so little acquainted; yet it remains still a matter of just wonder, that at least the Interest of His Majesty's Authority, visibly exposed by such an intollerable stretch, did not oblige him to a better Behaviour in so concerning a Contest; forasmuch as it is evident, that if the Prudence and Loyalty of the Parliament had not restrained, nothing else could have retrieved the Prerogative from the inconvenience of this hard *Dilemma*, either of being subjected to a necessary Regulation, or of being the occasion of a seeming breach betwixt the King and his People. But the Parliament being resolved to decline that Point with their utmost circumspection, chused rather to maintain their possession by an uneasy Exercise, than to assert their Right with the smallest umbrage of offence, not doubting, but that His Majesty would in due time, determine the Controversie to their satisfaction.

And therefore leaving it as it stands, I shall again return to my main work, and prosecute our Grievances in such order as the Members of Parliament found access to move them in, only seeing that their endeavours had no better success than to provoke his Grace to break up this fourth Session, with a two Months Adjournment, I shall here handle them more fully than they were there spoke to.

The fourth Grievance then is, the *corruption of our Mint and Coynage*, whereof my Lord *Hutton* the Duke of *Lauderdale's* Brother is General: This Complaint was grounded in the universal Clamour of the People; who have found for these several Years, that the intrinsic value of our Silver Coyne is sensibly diminished, both in its weight and fineness, to the Nations great damage and dishonour; besides it doth add to the resentment, that the same Lord *Hutton* having some Years ago filled the Country with a light Copper Coyne, without observing either the Quantity or the Weight and Value prescribed, was nevertheless by my Lord *Lauderdale's* means secured and indemnified: It is also remembered, that the better to enable him to this depravation of our Silver Coyne, the *Dutch Dollars*, called the *Leggdollars*, usually imported by our Merchants, and current amongst us at 58^d per Piece, were cried down by the Duke of *Lauderdale's* procurement to 56^d , for no better reason known, than that they might be brought in for Bullion to the Mint-house, for his Brother's benefit: But though, that all demanded in Parliament about this matter was, that there might be an Examination of the Coin appointed, and an Account given of the Bullion which hath been long neglected; yet the Memorial given in for that effect was not regarded: It is true that my Lord *Lauderdale* after the *December* Adjournment of the Parliament, did move His Majesty to write a Letter, and thereupon bring the business to a Tryal before the Council; but in a manner so partial, that I profess it is my admiration how any Man should have a confidence strong enough for such Practices. The subject of our Complaint is the Stock of our current Money, and all appointed by His Majesty's Letter, is that there should be a Tryal made upon the *Essay Box*, and the Pieces therein contained: I shall not say, that the oversight thereof hath been altogether in my Lord *Hutton's* own Power and Trust, these Years by past, yet so certain it is, that this *Box* or *Pixis* hath been of late so greatly neglected, that one of my Lord's Commissioners Friends appointed for the Examen, could not forbear to say, *That they were met to see whether the Officers of the Mint were as much Fools as they were suspected to be Knaves*: but notwithstanding this, the Tryal goes on, and moreover the Pieces are not brought to the *essay* severally, but the whole (with what mixture of finer Pieces coyned and conveyed in on purpose to compensate the baser, Who can tell?) is melted down together in one mass, and thereupon the *essay* made, and the Report thereof with some small Lignors sent up to the King; which proving (to be sure) according to the design of the contrivance, His Majesty within these few days sends down a Second Letter to the Council, signifying his satisfaction, and willing *Hutton* and the rest of the Officers to be exonerated: But when this Letter is read, it is opposed that the Grievance of the Mint had been tabled in Parliament, where the Tryal should also be issued; that His Majesty's first Letter did only order a Tryal to be made of the *Essay Box*, which if either falsified or otherwise eluded, could not be a ground of Release to the Mint-Officers so long as it was manifest, that almost the whole of the current Coin is defective and debased; and lastly, there was offered a Bag of Money lately received out of the Mint-Office, sealed with the Officers Seals, which they could not but still acknowledge, and it was desired that there might be a Tryal made on the Species therein contained. Notwithstanding all which, my Lord Commissioner and the plurality of the Council proceed and vote an Exoneration conform to His Majesty's last Letter. Now is not this a noble way of redressing Grievances, to purge the Author and leave the thing untouched? Nay, to make the greatest aggravation that can be of his failing, *viz.* The corrupting or frustrating of the Chequer the best ground of his clearing, and all this contrary to the reclaiming Evidence of almost as many Witnesses as there are Pieces of His Majesty's Coyne minted in *Scotland*; it being certain that

that amongst hundreds that have been tried, very few have been reported to be *standard*.

The fifth, is the filling of our Courts of Judicatory, especially our Session (which is the Supream for Administration of Justice) with ignorant and insufficient Men: This is a Grievance so notorious that I am sorry, that it leaves me not so much as the shadow of a complement in forbearing to Name the Persons; Sir Andrew Ramsay, one of the four lately brought in by my Lord Lauderdale, being questioned in Parliament (as we shall hear) did voluntarily demit in his Graces Hands; and yet I am assured that I neither favour him nor wrong the other three when I give him the Preference both as to parts and knowledge. But the evil doth not here subsist; its more afflicting Progress is, that in effect my Lord Lauderdale's all-swaying Power, his Brother's Headiness, and other Mens Baseness, have introduced that Partiality both in the Session and other Courts, that the very Foundations of Law and Right are like to be shaken; as was ready to have been instanced in Parliament in several late Decisions prepared for seconding the Memorial, given in for a Trial of this matter: And this was also the cause of another overture then thought upon and since moved to his Majesty, viz. that there should be a methodical Digestion of our Laws, and that the Rules of Judgment should be rendered more fixed and certain: but in place of a Remedy, these things were all adjourned with the Parliament; and since their breaking up, new Practices have been used to make the Case more desperate: For there being in February last a Sentence *interlocutire* pronounced by the Lords of Session, in an Action betwixt the Earl of Dumferling and Lord Amond, the Lord Amond finding himself thereby grieved, thought good to protest, and appeal to the King and Parliament; but my Lord Commissioner looking on this as a Novelty (albeit it wanted not Presidents, and that even his Graces Father, who was himself a Lord of the Session, did more in appealing from the Session to the King only) lays hold on the Occasion, and (as it's like) as well to ingratiate with the Lords as to reach some Lawyers who had displeased him, the Lords are by him moved to write to the King complaining of the thing as contrary to several Acts of Parliament, and of dangerous Consequence; to which an Answer is as quickly returned, signifying his Majesty's Displeasure against it, and ordering the Lords to inquire by my Lord Amond and his Advocates their Oaths, who were its Contrivers: But when the Business came to be examined, my Lord Amond owns the Appeal, and adheres to it in the Sense wherein his Advocates, by a Resolution under their Hands had affirmed it to be justifiable, viz. That although by Acts of Parliament, there did lie no such appeal from the Lords, as could stop their proceedings, or the Execution of their Sentences; yet seeing the Parliament was the absolute Sovereign Court of the Kingdom, and hath sometimes upon Complaint rescinded the Lords their Decrees, an appeal by way of Protestation, to relieve the Appellant of the Prejudice of a constructive acquiescence, might be lawfully made from the Lords to the King and Parliament. And that this they conceived themselves bound to assert, lest they should contravene the Law, that forbiddeth all Men, under the pain of Treason, to impugn the Supream Authority of the Parliament. But albeit both his Majesty's Advocate and others of the Bench gave their Opinion, that an Appeal in this Sense is not against Law, and none of the rest did or can assert the contrary; yet my Lord Commissioner still pousseth on, and will have my Lord Amond's Advocates to depose upon Oath about its Contrivance; whereupon the Advocates do on the other Hand answer as Positively that the Appeal being owned by my Lord Amond, and offered by them to be justified, there was no more Subject of Inquisition; that his Majesty's Letter did suppose the thing to be unlawful, and no Man was bound in a matter of that Consequence to give Oath against himself; that by an express Law, Men should not be required to give Oath *super inquirendis*; and lastly, that by their Oath as Advocates they were bound not to reveal the Secrets of their Clients, whereunto the Oath demanded, seemed to tend: And to this last Point, the whole Body of the Advocates do joyn and declare their Concurrence. But notwithstanding these Answers, the Lords refusing to transmit the Advocates reasons, write up a second Letter, acquainting the King with their denial, in which Heats and Disputes, unnecessarily drawn on by my Lord Commissioners straining Humours about the Authority both of King, Parliament, and Lords of Session, and after a second Appeal made in the same manner, the Lords according to their usual Dyet, break up until the first of June, whether to the increasing or abating the Grievance here mentioned, I leave it to others to judge, and to time to determine.

The sixth Grievance is general Gifts of his Majesty's Casualties, such as the general Gift of Wards and Marriages to the Earl of Kincaerden, contrary to express Acts of Parliament, and to his Majesty's great Prejudice and the Vexation of his Subjects: For these Casualties being of an undetermined Extent, as uncertain as the Death of Vassals, and ordinarily attended with many Circumstances whereof his Majesty's Equity and Goodness can only best arbitrate; the Reason both of the Law, and also of

his Majesty's and his Subjects their Interest against all such Gifts is abundantly obvious. Neither is the Aggravation arising from the Persons, the Procurer, and the Purchaser, less considerable; the Duke of *Lauderdale* and Earl of *Kincaerden* are both of them Commissioners of his Majesty's Treasury, and also extraordinary Lords of the Session, so that being doubly obliged by these Two great and honourable Trusts, equally to intend his Majesty's Advantage and the Observation of his Laws; their Delinquency in this point, cannot but be accounted a high Misdemeanour; which to excuse, by laying, that notwithstanding the Gift, no Action hath been thereon founded, but all proceedings carried on in his Majesty's Name, and by his Officers after the usual Form; when in the mean time my Lord *Kincaerden* doth treat and compound, and takes up the Profits of all Sentences, what is it else save to acknowledge a Transgression of the Sense in the manifest circumvention of the words of the Law? It is true, that this Gift is not the first of this nature that hath been granted: Immediately after his Majesty's return my Lord *Lauderdale* and others got a Gift of all preceding Casualties, and the Earl of *Kincaerden* had also a prior Gift for three Years, whereof this is only a Prorogation, by virtue of all which many thousands of Pounds have been very rigorously exacted; but seeing there can be hardly any thing more unreasonable, than to pretend a Privilege in evil from mens forbearance, it is evident that these things do only render the Grievance exceedingly more grievous.

These Three last Grievances, having been moved in Parliament, immediately before its *December* Adjournment, before I pass to other things that were not moved, I shall briefly narrate two other Passages, that were thought also to influence it. The first shall be of one Mr. *Paterfon* Dean of *Edinburgh*; this Man, after the first Conflict in Parliament about a Representation to be made to his Majesty, Preaching before the Commissioner, was pleased to tell his Auditors, *That sometimes God for the Sins of a People would raise up a faunting Absalom to flatter and kiss them, and to steal away their Hearts, by humaning their Grievances, and saying, that their matters were Good and Right, but their was no Man deputed of the King to hear them, until at length a Sheba the Son of Bichri, should arise to sound the Trumpet of Rebellion, and say, We have no part in David, &c.* with many more Words to this purpose; which Discourse by all its Circumstances, carrying an intollerable Reflection upon some Members of Parliament, and that so obviously, that notwithstanding that Mr. *Paterfon* did Swear, that he thereby intended no particular Person, yet unless they had been inspired, it was impossible not to think them designed; there is thereupon a Complaint exhibited, craving that Mr. *Paterfon* might be called to Account for such Seditious Speeches: This the Commissioner would at first have waved, and then finding that it was like to be warmly pressed, he agrees that the Examination be Committed to the Lords of the Clergy; but although a competent time was given them, and their Report often demanded, yet it was still declined and delayed without any Issue.

The second shall be about Sir *Andrew Ramsay*: This Man having been Provost of *Edinburgh*, under *Oliver*, and complied with him to the Height of being Knighted, and thereafter getting himself Re-knighted and Re-entred Provost by the Earl of *Middleton's* Favour; upon his Disgrace, very quickly strikes in with my Lord *Lauderdale*, with whom, and the Tradsmen of *Edinburgh*, he by his long practised Arts of Flattery and Bribery, did so mightily prevail, that after having been Ten Years Provost, and in that time domineered over the City, and enriched himself by their Rents and Moneys at his Pleasure, he dreamed nothing less then a perpetual Dictatorship: What kind Dealings, during these Years, were betwixt my Lord *Lauderdale* and him, is sufficiently known, the Office of Provost which never had before either Fee or Salary, yet now by my Lord *Lauderdale's* Procurement in behalf of his Favourite, hath a Pension of 200 l. st. Yearly annexed to it. Secondly, the Militia being Established, the Provost is made Colonel, and his Son Major of *Edinburgh* Regiment, and with a 100 l. st. to the Major of Yearly Salary. Thirdly, Sir *Andrew* having neither for a just Price, nor by the fairest Means, got a Title to a bare insignificant Rock in the Sea, called the *Bass*, and to a publick Debt, both belonging to the Lord of *Warriston*; my Lord *Lauderdale*, to gratifie Sir *Andrew*, moves the King, upon the pretence of this publick Debt, and that the *Bass* was a place of Strength (like to a Castle in the Moon) and of great Importance, (the only Nest of Solen Geese in these parts,) to buy the Rock from Sir *Andrew*, at the Rate of 4000 l. st. and then obtains the Command and Profits of it, amounting to more then 100 l. st. Yearly, to be bestowed upon himself. But besides this, there was also here an open Reciprocation on Sir *Andrew's* part; for it having pleased his Majesty, about the same time, to perpetuate to the Town of *Edinburgh* a Gift, which they had enjoyed for some Years for Temporary Grants, Sir *Andrew* takes this Occasion to express his Gratitude to his Patron, and representing to the Town, how much my Lord *Lauderdale* had befriended them in that matter, he perswades them to acknowledge it with

a Benevolence of 5000 l. st. Fourthly, my Lord *Lauderdale* procures Sir *Andrew* to be made first a Privy Councillor, then a Commissioner of the Exchequer, and last of all a Lord of the *Session*, although the best Breeding that ever he had for these Employments, was that of his being once a Merchant.

But here ill-natur'd Envy, maliciously disdaining these ridiculous Preferments, and taking the Advantage of Sir *Andrew's* manifold maleversations, incites first the murmurings of the Citizens; and then at *Michaelmas*, 1672. the Opposition of some of their Council; against his Continuance in Office: Nevertheless Sir *Andrew*, albeit with extreme Wrestling gets through for that time, and to prevent the recurring of the like Difficulty, thinks fit to inform my Lord *Lauderdale*, that some factious Persons had stirred up Tumults to disturb his Election, and thereupon his Majesty's Letters, are directed to the Privy Council ordering them to examine the Matter and Report: When the Privy Council, received these Letters, the most part were not a little surpris'd, to see a Command from Court to enquire about a Tumult, alledged to have been made in the place of their Residence, whereof they had not before heard; yet in obedience, albeit there was as good as nothing found, the Report was made, which all men judg'd would be the close of that Affair: But Sir *Andrew* being resolv'd, notwithstanding that the Body of the City was generally set against him, to carry also the next Election; the better to prepare for it, obtains by my Lord *Lauderdale* a Letter from the King in *September* last, to the Town Council of *Edenburgh*, resuming the Story of the Tumult, and thereupon ordaining Mr. *Roughbeed*, their Clerk, to be removed from his Office, as being thereto accessory, concluding that his Majesty would supersede to determine as to others, until he should be inform'd of their Behaviour in the ensuing Election. I shall not mention all the little Insolencies, wherewith Sir *Andrew* did Execute these Orders against that Gentleman; the thing considerable is, that all that heard of this Letter, and how that thereby, contrary to Law, the Right of the Clerk's Office was arbitrarily taken from him, without being heard, and the Town-Council also indirectly over-aw'd in the freedom of their Electing, did look upon the impetrating thereof, as a most dangerous Precedent, threatening every Man's Property and Liberty, and therefore not only was the Clerk encouraged to raise an Action declaratory of his Right, and for Re-possession, but my Lord *Lauderdale* perceiving, that the general Resentment was justly level'd against himself, as the principal Author of this high Attempt, he again by a second Act, imposing no less upon his Majesty's Goodness, than by the former he had abus'd his Justice, moves his Majesty to write a second Letter, ordering Mr. *Roughbeed* to be restored without the least Acknowledgment, to a Place from which, not ten Weeks before, he had been by the same method removed as a seditious Incendiary: These then, and several other of Sir *Andrew's* high Misdemeanours, having deservedly occasioned a Complaint to be exhibited against him in Parliament, the Commissioner observing well what might be its Consequence, and yet unwilling openly to undertake his Defence and Patronicy, consents that the matter be referred to the Lords of the Articles, and there again obtains, that the Trial of the things charged, should be remitted to the ordinary Courts; but the Parliament knowing as well as his Grace, that those Exorbitancies that flow from the abuse of Favour, are commonly coloured with such Conveyances, as plain and positive Laws (to which these Courts are tyed) do rarely suspect, and so very seldom provide against; do therefore still insist, that the Lords of the Articles should bring in their Report; whereupon my Lord Commissioner understanding better than any Man Sir *Andrew's* Guilt, and his own Accession, as a fit Expedient, both to appease the People, and decline so concerning an accusation; upon the Sabbath, wheedles Sir *Andrew* unto a voluntary Dimission of all his Places and Employments, and upon the *Tuesday* thereafter, adjourns the Parliament; and how he hath since endeavoured to represent him, both here and at Court, as if he alone were chargeable with all his Offences, is abundantly known.

I have been the more ample in this Narration, because that with all Reverence to his Majesty, (whom I know to be infinitely removed from all Communication in my Lord *Lauderdale's* naughty Practices) and Proportions also being observed, and the Parallels duly commenced from the Year 1662. I do indeed take Sir *Andrew Ramsay* with reference to my Lord *Lauderdale* and the City of *Edenburgh*, to be a very exact Model of *Lauderdale* himself, in Order to his Majesty and all *Scotland*, and therefore the more ingrateful is his Confidence, that under such a pressing Conviction, should not relieve his Majesty and the Kingdom, in completing the Similitude by a spontaneous Dimission.

Having thus gone through these Motions made in Parliament about the *Mint*, *Lords of the Sessions*, *General Gifts*, *Dean Paterson*, and Sir *Andrew Ramsay*; I now proceed to these other Grievances, which albeit, not allowed to be brought in, were notwithstanding intended by several Members, and in Probability, would have been the principal Points in the Representation which was overtured, to be made to his Majesty.

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The seventh Grievance then, is the Accumulation of eminent Offices upon single Persons; I shall not here reflect upon the Sufficiency or Insufficiency of any, I heartily wish, that all Men were as careful to cover, as I am willing to conceal their Weaknesses; but the plain ground of Complaint is, that my Lord *Lauderdale* hath procured to himself, and the Lord *Hatton* his Brother, and to the Lords of *Arbol* and *Kincaerden*, his particular Friends, not only the most considerable, but also the far greater part, of the more important Charges of the Kingdom, to the visible weakning of the Government, and to the Detriment of his Majesties Service; thus the Duke of *Lauderdale* himself, is,

1. President of his Majesty's Council.

2. Sole Secretary.

3. One of the Commissioners of the Treasury.

4. Captain of the Castle of *Edenburgh*.

5. Captain of the *Bas*.

6. Agent at Court for the Burroughs.

7. One of the four extraordinary Lords of the Session: and

8. (for who knows how long it may continue) His Majesty's high Commissioner and all that it imports.

The Lord *Hatton* is, 1. Treasurer depute.

2. General of the Mint.

3. One of the Lords of the Session.

The Earl of *Arbole* is 1. Lord Privy Seal.

2. Lord Justice General.

3. Captain of the King's Guard.

4. One of the four extraordinary Lords of the Session.

The Earl of *Kincaerden* is one of the Commissioners of the Treasury.

2. Vice-Admiral of *Scotland*.

And 3. one of the Four Extraordinary Lords of the Session.

Principal Offices are the Stays as it were of a State, and their Distinction is not so much determined by their Objects, as by the proportionable Capacities that most of them do require; beside, as in the multitude of Councillors there is safety, so in the Multitude of Officers there is Strength, and their right Distribution doth not more encourage Virtue, and reward Merit; then it settles their Administration of the Kingdom by a just Ballance, and thereby becometh equally advantageous for the Peoples good, and the Prince's Security, but Humour and Ambition do puff at such creeping Politicks. My Lord *Lauderdale* hath also introduced the Abuse of Gifts, of the reversion or survivances of Places to Children and Boys, and such are the Gifts to my Lord *Hatton* and his Son, of the Mint Office, to Sir *Charles Eskin* and his Son, of the Lyons Office, and several others of that nature; by which continuance of Offices, that at most, used to be conferred *ad vitam*, his Majesty is deprived of that excellent part of his Treasure, which with no expence, rewards Virtue best, and is indeed the only Fund of the most obliging Gratifications.

The eighth Grievance is, the Male-Administration and Profusion of his Majesty's Revenue. The clearing of this Head in its full Extent would acquire a more polix and accurate Computation, then is proper for my present Work; but that I may give it its necessary Evidence, and also discover more fully the Fruits and Effects of my Lord *Lauderdale*'s Ministry, I shall only here set down in general, first, what he and his Three Friends have got in Donatives: And secondly, what sums they receive yearly by their Places, and Pensions, as hath been made appear on several Occasions, by a particular Condescendence. My Lord *Lauderdale* then hath got in Donatives within these few Years, no less than 26909 l. st. and may be reckoned to have yearly since the Year 1669, that he was appointed Commissioner, 16350 l. st.

My Lord *Hatton* hath got in Donatives, to the value of 15300 l. st. and hath more over yearly 1196 l. st. beside he hath the profits of the Mint and Bullion, which last did render in King *James* his time 1000 Mark *Scots* weekly, amounting yearly to 2500 l. st.

The Earl of *Arbole* got lately, by fines 1500 l. st. and possesseth yearly 1450 l. st.

The Earl of *Kincaerden*'s Gettings by reason of the nature of his Gifts and places, cannot be so easily computed, but that they must be very considerable by his general Gift of Wards and Marriages, which he hath had above these three Years, may be evidently gathered, from the Benefit that he hath made by some of those particular Obventions which have been compounded for by him, at or above the rate of 1000 l. how much then may be reckoned by all that fall over the whole Kingdom; He got also the Gift of a Shipwrack in *Schotland*. As for his yearly incomes, besides his Pension as one of the Commissioners of the Treasury, he hath also all the Perquisites of the Admiralty, and yet over and above should have had by the Gift of the Salt, at least 2000 l. yearly

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Now whether these be not excessive Largeſſes, to ſuch Perſons, for ſuch Services, and in the more *honest* than *opulent* Kingdom of *Scotland*, is eaſie to be judged. I grant I have included in the total of my Lord *Lauderdale's* yearly Sums, the Penſion of 500 l. ſt. which he procured out of our Exchequer to his Dutcheſs, when ſhe was only Counteſs of *Dyſart*, and not his Married Wife, but I ſuppoſe that their then Circumſtances being conſidered, the error will be excuſed with leſs pain than it would have been for me to make the diſtinction. I need not here ſubjoyn how that, beſide theſe above mentioned Sums, almoſt all Penſions and Gifts have been beſtowed theſe years by paſt, according to his Graces Pleaſure; his Power in our Affairs being in effect an omnipotency, this part of it is not to be doubted, only it is to be regarded, that in all theſe exceſſive Givings, ſo little reſpect hath been had to thoſe, who have merited moſt of his Maſteſty, both by their actings and ſufferings: But the thing that I eſteem more worthy to be noticed, is, that al- though ſince his Maſteſty's Reſtitution, his Revenue in *Scotland* hath been much above the double of what it was before; and though his Casualties have been exacted with abundance of Diligence, and great and vaſt Sums, otherwiſe levied by Fines, Taxes, and Aſſeſſments, without the leaſt burden either of Monies exported for his Maſteſty's uſe, or Foreign War; yet through a ſtrange Miſgovernment hath all been waſted and conſumed at home, without any viſible Improvement for the publick good, or ſo much as the Proviſion of one Frigate, for the Defence of our Coaſt, or Convoy of our Merchants, in theſe times of War.

The ninth Grievance, and fountain of all the reſt, is my Lord *Lauderdale's* exceſſive Greatneſs, far above what, either the Kingdom, or himſelf can bear; I have already obſerved, how that before he was Commiſſioner, he had, by reaſon of his being our *Sole Secretary* and *Court Miniſter*, the abſolute Rule and Diſpoſe of all our Concerns; an Interpoſition ungrateful enough to a People, ſo affectionately dutiful to his Maſteſty. I have alſo marked, with what a ſevere Jealouſie he debarred all *Scotchmen* from any acceſs or opportunity, ſo much as to ſpeak to his Maſteſty, otherwiſe than he pleaſed; a Practice no leſs diſſerviceable to his Maſteſty, than diſobliging to free fellow Subjects: I might in the third place add, that as his Maſteſty's neceſſary Abſence hath occaſioned to us the Unhappineſs of my Lord *Lauderdale's* Dominion; ſo his Grace's Abſence alſo, for the moſt part, at Court, doth further ſubject uſto a more bale and diſingenuous Dependence upon his Creatures and Favouriteſ; nay, oftentimes even upon his Servants, with whom it is well known, that Men did ordinarily Tranſact for the obtaining and expediting of Gifts and Signatures; and that it was eſpecially by his Graces Servants, that Perſonal Protections to Debtors were moſt abuſively impetrate: But ſeeing the greateſt part of what I have ſaid, hath been to ſet forth the miſerable Iſſues of *Lauderdale's* obſcuring and eclipsing Grandeur, I ſhall in this place only note how, by his Exaltation to be his Maſteſty's Commiſſioner; this noxious Exaltation came as it were to be conſolidate into that malign meteor, which hath deduced uſ unto the afflicted and diſconſolate Eſtate in which we do at preſent Languish. I need not repeat, that it was for the attaining to this high and unaccountable Power, that he deviſed the calling this Parliament, upon the Pretext of an Union, holeſs groundleſs in its Project, than vain in its Succeſs; nor ſhall I reſume by what means, and for what empty reaſons, the Parliament hath hitherto been kept current: That the Office of Commiſſioner is a thing altogether extraordinary, and only warranted by the particular occaſion, and ſpecial effect for which he is ordained, is a point ſo certain, that to affirm the contrary, would be no leſs than a reaſonable attempt, to ſubvert the very Foundations of this free Monarchy. When in former times Commiſſioners of this fort were granted (which yet we do not find to have been in uſe until after King *James* his going to *England*) both the Commiſſions and the Parliament uſed to be terminated in one *Session*; the firſt that adventured upon the Innovation of Adjourning Parliaments for a long time, and continuing his Commiſſion in the interval, was the Earl of *Middleton*; and yet, notwithstanding of all the high ſtrainings that were then in faſhion, and that the Earl's work could hardly be ſooner compleated, this ſame *Lauderdale* did ſo far reſent it, as to make *Middleton's* drawing out of his Commiſſion (though for little more than two years) an Article of his Accuſation. But now that my Lord *Lauderdale* hath got himſelf into the Power, he hath preſumed to protract it, now more than four years and a half, with ſo little appearance of any neceſſity, that on the contrary we plainly ſee, how that he hath both hindered the Parliaments Proceedings, and endeavoured to fruſtrate all its late Meetings; which as it is a maniſeſt violating of the ancient and natural conſtitution of the Government, ſo the unneceſſary Continuance, and arbitrary and frequent long Adjournments of this Parliament, hath contributed exceedingly to the Increaſe of our burdens and diſtreſſes. But the Truth is, that ſuch hath been his Deportment in this eminent Truſt that it is now become his beſt Security; and what at firſt his Ambition did proudly contrive, his conſcience of guilt doth now oblige him no leſs tenaciouſly to maintain; ſo that our remedy and relief in this our deſolate and abandoned Condition, remains only with God and his Maſteſty, in the return of their favour.

From which conſideration, as much as for the obtaining of Miſinformation, it pleaſed the Duke of *Hamilton* and Earl of *Tweeddale*, with ſome other Gentlemen, after the Adjourn-

ment of the Parliament in December last, to go for Court, with the inexpressible good liking of the whole Countrey, who from their faithful Representation to his Majesty, did confidently expect an entire deliverance. But my Lord *Lauderdale*, that he might shew himself no less cross to, than he was averse from such a Loyal Enterprize, omits no obstruction that he could lay in the way; and first, by a pitiful Fellow in *Berwick*, whom he had before corrupted to spy and intercept all free Correspondence, he causeth seize, detain Prisoner, and search Sir *William Carnegie* a Member of Parliament, in his Passage through that Town to *London*. Secondly, having by the same hand got some Packets intercepted, he very ungentilely transmits them to Court, and without respect to the violation done to the common intercourse and good understanding of the two Nations, or regard to that tenderness which most men do retain to their Countrey's honour, he obtains for his Intelligencer his Majesty's approbation, and a reward of 50 l. st. out of our Exchequer. Thirdly, by the same means, and in the same place, he endeavours to affront Duke *Hamilton* and his company in their passage, by a suspicious questioning of their attendants, and refusing them the convenience of a night's lodging; which how far it was contrary to the generosity of the Governour, then absent, and the civility of the Citizens, they since fully evidenced by that noble reception which they gave the Duke in his return. And lastly, my Lord *Lauderdale* imposes so far upon his Majesty's good Nature, as to move him to discountenance a Gentleman, sent before by Duke *Hamilton*, under a groundless pretext suggested by *Lauderdale*, that he had been one of *Oliver's* Sequestrators, contrary to that prudent and benign part of the Act of Indemnity, prohibiting the remembrance of all odious names, whereof his Majesty hath been always most tender.

But notwithstanding all these rubs, and many other discouragements, Duke *Hamilton* and Earl *Tweeddale* being arrived at Court, do there very freely and faithfully acquit themselves, in a full and particular Account of all things relating to his Majesty or the Countrey's interest. I need not here stand to give the story by retail; it is like that the impressions were various, but in a word the result was the same with the period which we have heard was put to all the good Votes and Resolves of the *English* Parliament; however, having had the good fortune to hear accidentally of a Letter, and afterwards to see its double, which I am credibly informed, was delivered unto his Majesty much about the time that our Lords were there, I have thought good here to set down for Publick Satisfaction, its just Transcript. The Address of the Letter was, *To the King*, and its Date and Tenour as followeth.

Edinburgh, January 27. 1674.

SIR,

LET the Obscurity of the Person, with the Zeal of his Affection, excuse the Manner, and Maker of this Address, I protest, as in the Presence of God, that it is without the Privy or Knowledge of either Party, and nothing less, than the important Concern of your Service, and the Countrey's Peace, could have constrained to it.

I need not lay before your Majesty, the many Abuses that Scotland hath of late suffered, the universal and most pinching Grievance of the *Salt*, with those of the *Brandy* and *Tobacco*, are confessed and redressed: Neither are these that remain, less manifest, to wit, *Ignorant and insufficient Judges*, a *light and base Coin*, *General Gifts of Wards and Marriages*, *General Gifts of the Pains of Penal Statutes*, the *Accumulation of Eminent Offices upon single Persons*, and these also such as are of small Merit, *Gifts of the Reversions or Survivorships of Offices*, *Invasions upon Property and Liberty by the imperatation of private Letters*, *unnecessary, long and frequent Adjournments of Parliaments*, the continuing of a *Commissioner* in the intervals of Sessions of Parliament, the *mismanagement and profusion of your Majesty's Revenue*, and lastly, the *excessive Greatness of a State Minister*, to the *Exclusion of all others from free Access and Application to your Majesty*, with many evils that do thence proceed.

SIR, These Pressures are so heavy in themselves, and have been and are so afflicting and disquieting to your poor People, that I am confident, were it possible for you to reflect upon them, without observing by whom they have been procured, your Majesty's Justice would not sooner prompt you to the Remedy, than to a strict Inquiry and Animadversions against their Authors, yea move you, even in the first place, to call out with *Abasnerus* upon like occasion, *Who is he, and where is he that durst presume in his heart to do so?* But seeing that your Majesty, in your unparalleled Goodness, doth seem rather to incline to a gracious relief, with a healing Composure of all Differences, than to notice past Misdemeanours, I shall only in all Humility presume to say, that whatever may be your Royal Clemency, yet certainly the Causers of these wrongs cannot be the fit Instruments of an effectual and satisfying Redress.

Your Majesty is not unacquainted with the untoward and cross Proceedings of the last Session of Parliament. If your Commissioner was so uneasy and disobliging in his Interruptions and Adjournings, when nothing was craved but the Remedy of such things, which both your Majesty's Services and your Peoples Crys did instantly demand; can it be expected that in the things that remain (so much the more grievous and unjustifiable, that he and a few of his Friends are mostly therein interested) he will be more complacent? Nay Sir, it is evident as the light, that all the Repugnancy that he hath hitherto shewed with his high pretendings and stretchings of your Majesty's Prerogative in the Institution of the Lords of the *Articles*, beyond what the Nature and Dignity of Parliaments will bear, hath plainly been to prevent the Progress of your Parliament to this Trial. The just and necessary motions for examining his Brother's Coin and the Lords of Session, whereof the weakest are his Friends, did provoke him to an abrupt Adjournment; since that time what Arts have been used, and what Methods practised, for gaining particular persons, and strengthening of the Party, is too well known to all, to be unknown to your Majesty: He hath indeed thought good to anticipate the Parliament in the matter of the Mint, but in a way so partial, and elusory, that whether your Majesty, your Parental, nor your People be thereby most injured, is hard to be determined. So that upon the whole matter, considering that things in Controversie do purely respect your Peoples Good; and on the other hand are prosecuted with the most legal Intentions of such, who have always been faithful to your Interest; and

yet,

yet, on the other part are still opposed with obstinate partiality, and untractable humours; It is beyond all question, that the ensuing Sessions, if holden by the same Commissioner, will necessarily be attended with the former, if not greater heats and disorders. I cannot also forbear to tell your Majesty, that hitherto your People are perwaded, that in all their Sufferings your Majesty hath been more abused and imposed upon than they themselves; how expedient then it is that this perwasion should still continue, and that these Incident Errors of Government should be at least gently expiated by fixing them upon the true Authors; your Majesty, who hath always valued your self so much upon your Peoples Affections can only best judge; seeing therefore that your people have been oppressed by a malversation nor more irritating in its effect, than in the Obstynacy wherewith it is defended, and that they expect relief from your Royal Goodness, with an assurance not to be disappointed, without a very surprizing confusion: And lastly, seeing nothing is desired or intended in order to the Duke of Lauderdale, to which he himself ought not, both in duty and prudence most readily to agree; let these in all Humility solicit your Majesty's transcendent bounty, to consider the following Proposals which are not more easie in themselves than they will prove most effectual at once to dissipate all evil Appearances, and restore to this your ancient Kingdom that serene Peace, which will make our Affection and Duty again to flourish in most significant Acknowledgements.

1. First, That a new Commissioner be named and appointed to hold the next Session, and conclude the Parliament.

2. That the Duke of Lauderdale be confirmed in his Places of President of the Council, and one of the Commissioners of the Treasury, and have your Majesty's Indemnity ratified in Parliament for all things past.

3. That there be two Secretaries named and appointed to reside at Court; *previces*, for your Majesty's impartial Information in all Affairs.

4. That the other eminent Offices be duly distributed and conferred upon deserving Persons.

5. That the Commissioners of your Majesty's Treasury with such as you shall be pleased to add to them, be appointed to consider the Revenue, and its Charge, with the best means of its Regulation and Improvement, and to report.

6. That Men knowing in the Law, and otherwise well qualified, be named to the Vacancies that are or may be in the Session, through the removal of such as the Parliament on trial shall find to be insufficient.

7. That necessary Instructions be given to your Majesty's Commissioner for the due Redress of all other Grievances, and also for quieting and removing Dissatisfactions in Matters Ecclesiastick.

8. That there be past in Parliament an Act of Oblivion and Indemnity for the establishing of the Minds of all your good Subjects.

S I R. These things which may be almost as soon done as said, will infallibly prove the high Advancement of your Service and firm Settlement of this Kingdom; to which I hope that an excess of Favour, to any one single Person shall never preponderate. Sure I am were it possible that your Majesty could be but for one day an unseen Observer amongst us of the present Posture of Things and Disposition of Persons, you could not without wonder think how that any pretending to Loyalty should have obstructed these or such like Remedies as are here proposed: I might also here offer to your Majesty's more serious Thoughts, a Passage recorded 2 Sam. 19. 5. 6. 7. and recommended by the Suitableness of some of its Circumstances to the present Case; but since I am far from thinking that the D. of Lauderdale is to your Majesty as Absalom to David, or that the Discontents with us are so dangerous or threatening as is there intimated; and seeing I do as little know how to separate *Joab's* military and rude Passion from his dutiful and zealous Affection, I trust that God shall by more gentle and sweet Influences incline your Majesty to arise and speak comfortably to your Servants.

The Words of the Passage hinted at in the close of this Letter, are these, *And Joab came into the house, to the King and said, Thou hast shamed this day the faces of all thy servants, which this day have saved thy life, and the life of thy sons and of thy daughters, and the lives of thy wives, and the lives of thy concubines, in that thou lovest thine enemies, and hatest thy friends: For thou hast declared this day, that thou regardst neither princes nor servants; for this day I perceive, that if Absalom had lived, and all we had died this day, then it had pleased thee well; now therefore arise, go forth and speak comfortably unto thy servant; for I swear by the Lord, if thou go not forth, there will not carry one with thee this night; and that will be worse unto thee, than all the evil that befall thee from thy youth until now.*

But albeit, that all material in this Letter was pressed by these Noblemen, and many other things represented that might have tended to the good of the Kingdom, such as a digestion of our *Laws and Rules of Judgment*, formerly mentioned, a Release of all Arriers of Taxation and Sess preceding the Year, 1665, a discharge of the Annuity of Tythes, and a settling of the order of Parliament according to known Rules and Presidents; And lastly that nothing was omitted that might give a satisfying Evidence in every point, yet my Lord Lauderdale's suggestions and influences do more prevail; and Duke Hamilton is disinclined with fair words: However, it being promised that the Parliament should sit at its day, and Grievances be redressed, and also a period put to my Lord Lauderdale's Commission, my Lord Hamilton hastens homeward with extraordinary Difficulty, in respect both of the rigour of the season and the infirmity of his Health, to attend its Dyet on the third of March, which was the very next day to that of his Arrival: But instead of a Session so much expected by the People and all the Members of Parliament (who had now waited about four Months, and were better convened then at any time before) all do meet with the Disappointment of a blunt Adjournment unto the 14th of October next, and accordingly the Parliament is adjourned.

After these our more formed and general grievances, I might here subjoyn some smaller notices relating to my Lord Lauderdale's way and behaviour, not impertinent to the things that we have already heard, such as first his arrogant undervalue of Parliaments, discovered by that Expression to his Majesty against the E. of Middleton's Services, *Sirs; if you had sent down a Dog with your Commission about his neck to your Scotch Parliament, he would have done all that E. Middleton hath done.* Secondly, his insolent treating of some Members in this present Parliament, as when he commanded one Mr. William Moor summarily to Prison, because I think he desired that after the order of the English Parliament Acts might

might be at least thrice read, before they were voted or somewhat to this purpose; and in his course style asked another, for having in his Modesty said, *We for I, What Sir are there any mice in your Arse?* Thirdly, his contemptuous slighting of Duke Hamilton, and most of the ancient Nobility of greatest interest and consideration in the Kingdom, whom he did not so much as allow to be named to be of the number of the Commissioners chosen for the Treaty of the Union betwixt the two Kingdoms. Fourthly, his strange Inconstancy in his Friendships, acted meerly by his humour or Advantage, as witness his dealings with the Earl of *Rothies*, *Tweeddale* and *Argyle*, *Sir Robert Murray*, Duke of *Ormond*, Earl of *Shaftsbury* and others, whom according to occasion he hath both carressed with open flattery, and rejected with proud prejudice. Fifthly, his regardless Neglect of the Country's Interest, to gratifie indigent or covetous Persons of his dependance, by procuring for them gifts of the pains of penal Statutes, as to *Sir John Moncreif*, a gift of the pains of Non-conforming within the Shires of *Perth* and *Effie*. To *Scot of Ardross* and Major *Borwick* a Gift upon the Maltmen and Brewers; and to the same Major *Borwick* another vexatious Gift, called ordinarily *Of Peck and Bole*. Sixthly, his prophane Complement to the Archbishop of *St. Andrews*, coming one day to visit him, *Come in my Lord, sit down here at my right hand until I make all your Enemies your footstool*. Seventhly, his dull and malicious Jestings against his old practices and acquaintances, as when one day at his Table he said, he could pray as well as any Nonconformist, and so begun a long complaint to God of Covenant-breaking and other sins, to their Derision; and when at other times he hath insulted over them in their appearances before the Council, by a reproachful remembrance of by-past Courses, so that some of them have applied to him the old remarque, *omnis apostata sua secta osor*. But it is not to these only that he confines this humour, he makes it serve also in other occurrences; as when it was said about Grievances, that they ought not only to be redressed but prevented for the future, he answered with much noise, *that this was like an overture of the Commission of the Kirk*, &c. as if in effect his fancy were lested with the remains of his old Hypocrisy. But passing these things, that may favour of a design of personal reflection, which is truly far from me, it may be to better purpose to suspend a little the closure of this relation, in two more important remarks.

The first is, that in the first Session of this Parliament, and for its first Act, His Majesty's Supremacy was enacted, whereby it is Declared, *not only that his Majesty hath the suprem Authority over all Persons, and in all Causes within this Kingdom; and that by Virtue thereof, the ordering of the external Government and Policy of the Church, doth properly belong to him; but that his Majesty and His Successors, may settle, Enact and Emend such Constitutions, Acts and Orders, concerning all Ecclesiastical Persons, Meetings and Matters (a word infinitely extensive, comprehending the All of Religion) as they in their Royal Wisdom shall think fit*. It is true that this was unanimously consented to by Parliament, and it is as well known, that all that the Parliament had in view, was the establishing of His Majesty's Power and Authority, for the better Confirmation of a little Indulgence; then lately granted to some Non-conforming Ministers, and the more effectual checking of the *Loyal Clergy's* murmurings, who pretended to a Negative in these Affairs. But that the Duke of *Lauderdale* had quite another Design in the passing of this Act, even the raising of his own credit and consideration at Court, and the aggrandizing of himself by an Accession to that Power, whereof he then had, and still hath the sway, did quickly discover itself in its first Application, directed against the Archbishop of *Glasgow*; for my Lord *Lauderdale* having conceived an irreconcilable grudge against this Gentleman, mostly, because he had on some occasions addressed himself to the King otherwise than by him, the poor Bishop is menaced to have Articles exhibited against him before the Privy Council, and thereupon is constrained to demit: But this is not the sole Act, wherein my Lord *Lauderdale* hath proposed to himself the same Aim: I have already shewed how that the Act 1663, Entituled, *An humble Tender*, &c. and offering twenty-two thousand Men to his Majesty's service, was especially of *Lauderdale's* framing, and it is very well known, how at Court, he hath often since that time valued himself very highly upon it. But now being Commissioner, his industrious advancement of what at first was only more generally agreed to, doth exhibit a more satisfying discovery, and therefore we see with what care in the very next Act to that of Supremacy, he goes about to settle the *Militia*, not as a simple Country conceit, for the better training of men to the use of Arms; but upon the more martial basis, and for those more noble ends of the former Act and *Humble Tender*. I will not for all this say, That at that time we had in Prospect the great things, whereof he hath since been suspected, yet I make no doubt, but that even then he looked upon the Supremacy and the *Militia* so settled, and in a manner, both in his own hand, as being the King's Commissioner, as two brave leading Cards, wherewith such a Court-Gamster as he, in the many chances and changes that do there happen, might sometime or other come to do mighty Feats. I love not to heighten, least be to create Jealousies, nor have I any faculty in the search of hidden and dark Counsels; and therefore do very unwillingly take up or affect to vulgar Reports of my Lord *Lauderdale's* After-engagements in Arbitrary and Popish Projects: Nevertheless, such Indications as run into a Man's Eyes, can hardly be dissembled. It may then be remembered

membred, that when in the Summer, 1672, the Cabal at Court was in its *Ascendant*, and Lauderdale got to be on the top of it, and that matters in England were come to a very manifest Crisis; my Lord Lauderdale about the same time goes for Scotland, and there procures a new Act of Militia to be made, Statuting, That all Persons, who should be therein enrolled, should be entirely reserved for that Employment, and that both Officers and Soldiers should take the Oath of Allegiance (which with us includes also the Supremacy) and is I suppose, *Sacramentum militare* (without a President.) And by another Act he obtains to be imposed a Twelve-months Assessment, to lie for a stock of Money for their Provision, and that upon this express Narrative, viz. That as the Kingdom of Scotland will cheerfully hazard their Lives and Fortunes in the War against the Dutch, or any other Cause, wherein His Majesty's Safety, Honour or Interest, may be concerned: So in order thereunto, they have so settled the Militia, as the Forces of the Kingdom may be in readiness when ever His Majesty shall be pleased for these ends to make use of them. Which things in Scotland and England being laid together, and the strange twistings of the Supremacy that makes so large a Surrender of matters of Religion, with these Acts of Militia and Maintenance, declaring a Readiness for any Expedition, &c. being well weighed, I think it may warrantably be affirmed, that if there was any extraordinary design at that time in Agitation, my Lord Lauderdale's Hand, in probability, was deepest in it. Neither can the Parliaments Concurrence in consenting to these Acts, be pleaded for his Excuse; forasmuch as it is certain, that their pure and single Intent was a dutiful Expression of their Loyalty, for which they have always judged, that no Words capable of a fair Signification, could ever be too significant. I need not adduce their unacquaintedness with secret Transactions for their Purgation; he that can imagine, that Scotland would have consented to that heavy Assessment, out of any other motive than their absolute and implicate Affection to His Majesty, let be in any thoughts of favouring Popery, is wildly mistaken both of our Riches and Religion: And therefore it may well be concluded, that as the ill favoured Aspect of the Act and Humble Tender, &c. and Acts of Militia ensuing on it, toward England, with their ill contrived Alternative, or for any other service wherein his Majesty's Honour, Authority or Greatness may be concerned, were at first the Dictates of Lauderdale's Vanity, and have often since been the boastings of his Ambition; so they do plainly enough evince his black accession to those other Mysteries, whereof he hath been elsewhere accused.

The second Remark shall be concerning my Lord Lauderdale's Administration in Church Affairs. It is not necessary to remember, how that Earl Middleton in his Parliament thought fit to correct the Rigour of Presbytery by the heights of Prelacy, and what a severe Vengeance of Conformity, the Bishops did thereafter execute upon the whole Country, for their former compliance with, and retained Affection to their Brethren of that Ministry: O when shall Princes know wherein the true Power and Peaceableness of the Gospel doth lie, and deliver themselves and their People from the Pedantry and Hypocrisy of all Church Pretenders! However, the extream Distress whereinto these Episcopal Persecutions had brought the Country, did in the Year 1669. (as I have before related,) move the compassion of some more moderate Persons, to obtain for it the ease of that small Indulgence which was then granted; for the better Establishment whereof, it was supposed (as I have said) that the Supremacy was thereafter in Parliament Enacted. But that the Country might the better relish this Favour, and know how to discern His Majesty's from his Commissioner's Grace, it pleased my Lord Lauderdale that in the Year 1670. Conformity should be again commanded, and pressed by new Acts of Parliament, and those in my Opinion, of a greater Severity than the highest Points in Christianity could have allowed: For by the fifth Act of that Session (as also by the seventeenth Act of the third Session) it is Statuted, That no Non-conform Minister, not Licensed by the Council, or other Person, not authorised by the Bishop, shall (so much as) pray to God in any Meeting, except in their own Houses, and to those of their own Families, and such as shall be present, not exceeding the number of four, and that all accessory to the contrary shall be guilty of keeping Conventicles, and punished with the Pains there specified, the Article of the Apostolick Creed, I believe the Communion of Saints, notwithstanding. Secondly, by the same Act it is Declared, That whosoever without License or Authority aforesaid, shall Preach or Pray at any Field-meeting, or in any House where there be more Persons than the House contains, so as some of them be without Doors, (who may be only two or three, and posted there by Malice) or who shall convocate these Meetings, shall be punished with Death and Confiscation of their Goods; and the Seizers of such Persons are not only indemnified for any Slaughter that shall be committed in the apprehending, but also assured of five Hundred Marks Scots of Reward, for each Person by them seized and secured: So mortal a thing is this Field-conventicling, the Mass and all its Idolatry hath nothing in it so deadly.

Thirdly, by the sixth Act of that Session, there are considerable pecunial Pains ordained against disorderly Baptisms; such as those are reckoned to be, That are performed by Outed-Ministers, not Licensed, or by any other than the Parish Minister, without his Certificate, or in case he be absent, the Certificate of one of the Neighbouring Ministers. Fourthly, by the seventh Act it is appointed, That all his Majesty's Subjects of the Reformed Religion (For Papists that are without, God judgeth) shall attend Divine Worship in their own Churches, under the pecunial Pains there mentioned, toties quoties, &c. and in

case any landed Man shall withdraw for the space of a Year, notwithstanding their being therefore fully fined, *They are to be presented to His Majesty's Council, who are Authorized to require of them a Bond, not to rise in Arms against His Majesty, or His Commissioner, (as if a Man could not be so far dissatisfied with a pitiful Country Curate, but he must also be suspected for disaffection to His Majesty) which if they refuse or delay, they are to be imprisoned or banished, and both their single and Life-rent escheat, doth immediately fall to His Majesty.* And lastly, by the second Act of that same Session, *It is Statuted and Ordained, That all Persons thereto called by the Council, or others having His Majesty's Authority, are obliged in Conscience (very fair) and Duty, to declare and depose upon Oath, their knowledge of any Crime, and particularly of any Conventicles, and of the Circumstances of the Persons present, and things done therein; may not then any one be brought from the Streets, and urged to become upon Oath, Informer, Accuser, or Witness, upon all that he ever saw or heard in his Life, against himself, his Friend, Father, and all Men else; or if he shall be so perversely wicked or disloyal, as to refuse or delay, he is to be punished by Fining, close Imprisonment, or Banishment, by sending him to the Indies, or elsewhere, at the Council's pleasure.* Sure I am, the Spanish Inquisition hath no broader Warrant. And yet notwithstanding all these, my Lord Lauderdale by a new Act of the third Session of this Parliament, procures the Execution of the above-mentioned Acts against Conventiclers, and Withdrawers from Publick Worship, to be enjoined to all Sheriffs and Magistrates, with an express Provision, that they should render an account yearly of their Diligence, under the Pain of Five hundred Marks Scots.

But all these great Efforts of my Lord Lauderdale's Zeal against Fanaticks, proving by far less success, than that little Specimen of His Majesty's Clemency, whereunto *Lauderdale* had been by others inclined; and it having pleased His Majesty in the year 1672, to gratifie his Protestant Subjects in *England* with his Royal Goodness, he thinks meet at the same time to extend it of new to *Scotland*; and therefore gives to his Commissioner, then amongst us, all necessary Instructions for compleating this Work: But his Grace being now quite freed from all those good Influences wherewith sometime he had been acted, by a very uncourteous and rude application, sadly marrs His Majesty's Kindness, and frustrates its best end; forasmuch, as in place of that gracious Relief, which no doubt was intended by his Majesty for his Nonconforming good Subjects, whether Ministers or People, he plainly turns this new Indulgence into an universal Confinement of the whole Nonconform Ministers, unto some Parishes in a corner of the Country, leaving the rest *as dry or wet, as the ground about Gideon's Fleece*; and that with such a scornful inconvenience (beside some other scrupling Conditions that were also imposed) that to several small Parishes having not above a thousand Communicants, and Nine hundred or a Thousand Marks Scots of stipend, he causeth to be appointed three or four Ministers, contrary to all just proportions, and only with the ridiculous equality of *a little Cure as Salary*. Neither is he content to have thus Cantonized those that were licensed, but even they that had none of his Majesty's Favour, must yet be made partakers of his Grace's Mercy; and therefore it is further ordered, that all other Nonconformist Ministers not Licensed, should either conform in the places of their dwelling, or else before a certain Day, repair to, and reside in the Parishes whereunto Ministers Licensed are appointed: I shall not say, that his Grace did thus restrain and clog this Indulgence, because that the Council, upon a Letter which he had before sent them down from his Majesty, to know if Papists might also have some Toleration, returned their Advice, that they thought it neither necessary nor expedient; but it is obvious enough, that if Papists had been made partakers of this intended favour, it must of necessity have been shaped out and moulded by some more easie regulation. And yet, as if by this concession there had been accumulated upon the Fanaticks, a Bounty to which nothing could be added, it is declared in the conclusion of the Councils Act, that they were not to look for any further enlargement, but that the Laws for conformity were to be strictly executed against all Contraveners: but the truth is, there was another motive for this certification; his Grace knew very well, that not only the generality of that scrupling Party over *Scotland*, were little obliged by their being in a manner excepted from His Majesty's Grace, which often makes Men, that before were unconcerned, to become more curious; but that some of them, who were now deprived of the liberty which at first was allowed to them, were thereby much irritated: And therefore he in time provides this colour for the Executions that might again ensue. And truly, if I were to form conjectures of Mens Designs, on the Measures that visibly appear to have been taken in this sorry contrivance, I verily think, that all the specious Commendations wherewith it was magnified, would scarcely make me forbear to say, that its *restrictedness and uneasiness*, seem rather to have been intended for the marring, than any thing else for the promoting of its success. It is sufficiently manifest to all ingenuous Men, that the Nonconformists for all their Scruples, are not only sincerely and securely Loyal, but in effect fully as gentle and tractable as can rationally be expected from those principles, wherewith the Indulgence itself imports a dispencc: Besides, if dispersion and the removing of the grounds of complaints be (as no doubt they are) the most effectual means to quiet such opinionative *discontents*, what could have been more promising, than to have disposed upon the small handful of outed Ministers, that remain

either

returning them all freely to their own Churches, or leaving them to settle, as fair invitations should have determined? But alas, who sees not the strange consequences that *would have ensued*? If all wild Beasts were once tamed, Hunters and their Sport would be utterly spoiled, and a quiet and satisfied Kingdom, secured from almost the possibility of Forreign Invasion, would need no more any standing Forces, far less a standing Commissioner; And how should this *poor Country*, after so many vexations, have endured so great a loss? But that his Grace's well disposedness in Affairs of this kind may be the better understood, there is one instance of it that I cannot here omit, and it is thus: A little before this Indulgence was granted, there were two Country Gentlemen, *Hay of Ballhousie*, and *Drummond of Meggins*, brought in question for this *flagitious impertinency of Conventicling*; the quality of their guilt was, that the first had indeed had private Meetings in his own House; but the second was only charged with his Wife and Daughter's *transgression*: However, his Grace having thought good immediately upon the Delation, to make over their Fines unto his Favorite the Earl of *Arbottle*, and the Gentlemen foreseeing that to make the Gratification suitable, there was no less than the utmost rigour to be expected; they judged it best to abandon their own defence for a friendly transaction, and therefore casting themselves on the Earl's Discretion, they agree with him in Writing, the one to pay him Six hundred Pound Sterling, and the other Four hundred Pound Sterl.; but when they appear before the Council, my L^d Lauderdale not content with what *Arbottle* had done, very arbitrarily and exorbitantly procures the Sentence to be augmented against the first to a *Thousand Pound Sterling*, and against the other to *Five hundred Pound Sterl.* whether more generously towards his Friend, who had got before all that he had demanded, or more justly towards the Gentlemen, who relying upon the Agreement, had prepared no other Defence, let the World judge. I might also add another example of his Grace's Moderation, in causing the Countess of *Wigtown*, a Widow Lady, and otherwise clothed with all the favourable Circumstances that could be desired, to appear in Person before the Council, to answer for private Meetings in her own House, and to be fined in the Sum of 5000 Marks *Scots*, thereby shewing an impartiality not to be byassed with any courtesie. But to return to our purpose, I need not mention particulars, for confirming of what I have laid of the Errors committed, in shaping out this *Indulgence*. It's misadventure, as to the composing of matters whereunto it pretended, hath offered both to His Majesty's Council and to the Ministers Licensed, too much unpleasant Exercise in Citations, Examinations, and reiterate Orders, to leave it in the least doubtful. The thing more worth our noticing, is to consider how fortunately the Event did fall out, to justify my suspicion; I touched in the beginning, what an opportune pretext, when all others failed, these Nonconforming Disorders did furnish to his Grace, for his last coming amongst us: But because the Letter that he thereupon purchased from His Majesty to his Parliament, doth not more hold forth its true Author in its suitableness to His Majesty's excellent Goodness, then exhibit to the World the truest Character of my Lord Lauderdale's goodness and sincerity in all these Affairs, in Lines of his own drawing; I shall here set down at length some passages of it: But one of the principal reasons of keeping this Session of Parliament, is to the end effectual Courses may be laid down for curbing and punishing the insolent Field-Conventicles, and other seditious Practices, which have since your last Session too much abounded: You are our Witnesses, what Indulgences we have given, and with what Lenity we have used such Dissenters as would be peaceable, and how much our Favours have been abused. You have made many good Laws, but still they have failed in the Execution against the Contemnors of the Law; we must now once for all, lay down such solid and effectual Courses, as the whole Kingdom may see, that we and you are both in earnest, and that if Fairness will not, Force must compel the Refractory to be peaceable, and obey the Law. We have had frequent Experience of your Affection to our Service, upon several occasions, and therefore we are confident, you will eminently do your Duty in this, which doth so much concern our Authority, and your own Peace and Quietness: We leave the Ways and Means to your own Wisdom, and we expect you will lay down such solid Grounds, and take such effectual Ways, as may put an end to these Disorders and Evidence to the World, that our Ancient Kingdom of Scotland is at quiet, and united to us. We have instructed our Commissioner fully in this, &c. and he can well inform you of our constant Affection to, and Care of all the Concerns of that our Kingdom, which Consideration at this time, has made us dispence with him here, when his Service was so useful to us, &c. And therefore you shall give him entire Trust, as we have hitherto done in all things.

The Text is plain, and needs no comment; I shall not say, with some Pharisees, That if the Lord had not unexpected beat down to the Earth, this Persecutor with his Letters, breathing out such Threatnings and Slaughter, our Land might have again been turned into a Field of Blood and Confusion: Nor will I positively affirm, that these Minatory strains were purposely intended to over-awe the Nation to more compliant submission to the Introduction of a Service-Book, which it is well known, was both designed and prepared, and should have been the great business of his Grace his last coming down: But certainly, whoever compares the Expressions of this Letter, with all their Circumstances, viz. His Majesty's benign Clemency to all innocent Dissenters, the Kingdom's unquestionable quiet from all their disturbances, its great and almost sole distemper from my Lord Lauderdale's own Oppressions, the visible necessity that forced him at that time, to take Sanctuary amongst us; and lastly, the forbearance and insinuation that he had since used toward the Nonconformists, to ease himself of a part, at least, of that universal Odium, which he finds to be against him; must inevitably break forth in admiration at this unmeasured boldness, of abusing His Majesty's Name and Authority, to so many extravagances. These have been his ways in the Church, so like, in every step, to his actings in the State, that they neither could have any better success, nor can receive a milder Censure. But now his Grace having rode out this Storm of Grievances, delivered himself from Parliament, and defeated all his Enemies, in order to his return to Court, resolves (as it is probable) to give the Kingdom a proof, both of his own free and unconstrained Benevolence; and also of his great Power and Interest

rest with His Majesty, and therefore, there is a Letter produced from the King to his Council, bearing, *That His Majesty's Affection for us, makes him ready to embrace all occasions, whereby he may witness his Zeal, to do all things which may be for our advantage and rest; and that being informed by his Commissioners of some things which have been, and still are troublesome and burdensome to us, he hath thought fit in his Royal Bounty, and by his Royal Authority, to declare his Royal Pleasure for the discharging of all Impositions, due before his Restoration, all Rests of the Taxation granted by the Parliament 1633, all Arriars of the Annuity of Tythes, preceding the year 1660, and all Fines imposed by his Majesty's first Parliament, excepting always from all these, all Sums of Money already paid, or for which Bond is given preceding the Date of the Letter: And lastly, his Majesty doth grant a General Pardon and Discharge of all Arbitrary and Pecunial Pains, incurred before the Date of this Letter, extending even to those against Conventicles, withdrawing from Ordinances, disorderly Baptisms and Marriages, excepting nevertheless all Capital Crimes and Sentences of Banishment, Imprisonment, or Confinement.* Upon this Letter there being a Proclamation Voted and Formed by the Council, it was the next day made, with the Solemnities of the Magistrates in their Robes, the Citizens in Arms, Ringing of Bells, Shooting of Guns, publick Feasting, Bonfires, and all other Ceremonies that were used in the most extraordinary occasions of Joy: I shall not insist on the Peoples wonder, at the vain Pomp of these Circumstances, who could find nothing suitable in the Subject; nor on the Criticizings of the more Malign sort, who regretting that His Majesty's Affection and Zeal for our good, should rather have been directed by my Lord Lauderdale's scant and partial Suggestions, than by the full and faithful Advice of his Parliament, observed first, that the exception in the discharge of the Rests of Impositions, Taxations and Fines, was infinitely broader than the Release itself, the Country having now for thirteen years been so vexed and harassed for these things, that here is nothing left to be discharged, save a few desperate and irrecoverable remains. Secondly, That a General Pardon and Discharge of Arbitrary and Pecunial Pains, is an ordinary Grace, customary to be granted in most Parliaments, with such a Latitude as they think fit to give it. Thirdly, That the Extension of this pardon even to Conventicles, &c. can have no *Supra*, unless we suppose Conventicling and Nonconforming, to be worse than Sabbath-breaking, prophane Swearing, Drinking Whoring, Usury, Extortion, and the like. Fourthly, That the Exception of Banishments, Imprisonments, and Confinements, wherein a few Phannick Ministers are mostly concerned, appears to be an unreasonable reserve of a peevish Rigour: And Fifthly, That the stile of the Proclamation, *viz. We with Advice aforesaid, do hereby Statute and Enact, and accordingly discharge to our Subjects, all Rests and Assessments, &c.* is not only forced, but more Parliamentary than proper for such Edicts.

But the thing we rather remark is that just and important exception moved against this Letter and Proclamation, by Duke Hamilton, and others in Council, *viz. that Duke Hamilton having an undoubted Right to the Taxation 1633, by a Contract betwixt his late Majesty, and James then Duke of Hamilton, and also by a Commission from his now Majesty, for security and repayment to him of a considerable Sum of Money, the same could not be taken away in this summary way without lawful hearing; upon which exception, Duke Hamilton (as he declared) did not insist for the value of the thing, but for obviating so dangerous a preparative to every Mans right and property, this discharge was overturn'd both by himself and others during the sitting of the Parliament, and if it had been prosecuted that way, all Mens interests might have been considered, and also the Country more effectually secured: But after rejecting of that method, to have made choice of this, was an introducing of Precedents of an evil aspect: And yet albeit it was resolved by the best Lawyers in a Writing under their Hands, that Duke Hamilton's Right was unquestionable, that the King in such Cases *statut per privati*, and that by the Fundamental Law of the Land no Man's Right could be taken away summarily by Letter and Proclamation (which plea was also confirmed by the suffrage of the Judges there present) nevertheless it was with extreme heat and pain that my Lord Lauderdale could be induced to consent to the relieving of D. Hamilton's Right, as we find it to be done in the Proclamation. I have before mentioned the Letter Imperatrate from His Majesty against Mr. Roughhead, Town-Clerk of Edinburgh, and the officers which generally it gave, because of the Invasion of property and Liberty thereby threatened; but now that my Lord Lauderdale should have again, and thus openly and avowedly relapsed into so pernicious an Error, it doth manifestly evince a design of arbitrariness beyond the excuses of either folly or fatality.*

And yet after this and all his other high and strange Misdemeanors which I have hitherto related, my Lord Lauderdale had the confidence to propose to the Council a Letter of Answer, to be subscribed by them, and sent up to the King, wherein Thanks are not only returned for his Majesty's gracious Letter of Release, but also for his readiness shewed by his Commissioner to have rectified all our Grievances, that were *ordinarily represented*. I will not here take notice of the *Diffus*, entered by a considerable part of this Council against such a groundless and imposing Practice as his Grace would delude the common People by *Bells and Bonfires*, and other empty and ridiculous *Shows*; doth he also think that Men of understanding will suffer their Eyes to be put out? Is it not enough that he hath tyrannized over us with so much Pride and Oppression, but that he must moreover offer violence to our Senses, and not only obstruct our Prayers and Cries to His Majesty for his compassion and help, but even endeavour to elicit flattering Approbations and Applauses for palliating and supporting these gross Malversations; for which nevertheless it is beyond peradventure, that so soon as he shall be arrived at Court, he will think fit to secure himself as he hath already done, for his far Inferiour Transgressions in England, by His Majesties remission and pardon?

Certainly the free Consideration of these things might stir up and raise every ingenious Spirit to the highest measure of indignation, did not His Majesty's concern, and engagement therein, far more powerfully incline to a dutiful regret. Who can observe, without an astonishing grief, this Kingdom lately so overjoyed for His Majesty's Restauration, and overflowing in all the possible Expressions of the most Loyal Acknowledgments, now sunk into the saddest Depths of Mourning, and darkened by reason of the with-holding of the Rays of His Majesty's gracious Countenance with Clouds of Jealousies, which no Man is willing to entertain, or yet able to dissipate? And who can think without a most sensible affliction, that His Majesty's most excellent Understanding, and most benign Disposition in all other occasions, should in these matters of the highest consequence be so oddly posset with such a strange aversion, to hearken to a most Loyal Parliament, and to be advised by his most affectionate Subjects? And lastly, who can see, (without a confusion and rising of Passions not to be expressed) the Duke of Lauderdale, a person so insignificant for the advance of His Majesty's Service, and of late become so extravagant and unacceptable even in his private deportment and ordinary conversation with all Men; yet in these Publick and Great Affairs, wherein he hath so wildly miscarried, to preponderate in His Majesty's esteem to the universal outcry of two Nations, the unprejudicate Complaint of two Parliaments, and the visible disturbing, if not breaking of the Peace and Quiet of two Kingdoms? I shall not offer at the Arts, Charms or Incantments, whereby these wonderful things may be brought to pass: it is but too manifest that where my Lord Lauderdale did sometime stand in the most undutiful difference, and seemingly irreconcilable distance, he hath of late, since the beginning of the last Dutch War, and the arising of the Jealousies which did commence with it, procured to himself so firm a Friendship, and so sure a Support, that the more that these Jealousies and their Diffinitions have encreased, the more hath this Favour been confirmed and intended. But why should I grope in these suspicious Conjectures, wherein all good Men do rather desire to find themselves deceived than further cleared? Let us rather wish, That His Majesties Eyes may be opened, and his Heart turned towards this his Ancient Kingdom; and in the mean time be established in this most fixed assurance, that notwithstanding of all the colours, pretensions, and insinuations that my Lord Lauderdale can employ for the advancing of his particular Interest, and ambitious Humors against the Publick Good of the Nation, and for the bearing down of its best Subjects; yet the longed for issues as certain as that Reason is Reason, and Men are Men.

T H E

SCOTCH-MIST

CLEARED UP,

To Prevent *ENGLISHMEN* from being Wet to the Skin.
 Being a True Account of the Proceedings against *Archibald*
Earl of Argyle, for *High-Treason*. Wherein are contained
 Eight Reasons of several Conformable Ministers in *Scotland*
 against the Test. 1. The Confession of Faith. 2. The Test.
 3. The *Earl of Argyles* Explanation. 4. The Explanation of
 the Secret Council. 5. The Charge against the said *Earl*.
 6. His Trial. 7. The Act concerning the Test. • With Ani-
 madversions upon the whole Affair.

The INTRODUCTION.

THE Church of *Scotland* after hard Labour, and many sharp pangs, caused
 by the struggling of contrary Interests in her Womb, was happily delivered of
 a Blessed Reformation the main points of the Christian Faith, *Anno 1560*.
 In which a Parliament being called by the allowance of the King and Queen
 (at that time residing in *France*) sat down, and on the 17th. of *July*, the Confession of
 Faith, consisting of twenty six Articles, was unanimously agreed upon. In which Par-
 liament two other Acts, the one against the *Mass*, the other for Abolishing the *Pope*,
 and his Usurped power in *Scotland*, were passed by the States.

But Sir *James Sandelands*, Lord of *St. John*, who was dispatcht over into *France*, to
 procure the Ratification of the Confession by the Queen, could not prevail for the Royal
 Assent, the Queen being a great Zealot for the Papal Heterodoxies; so that for some
 time that Famous Confession, though owned as the Test of the whole Protestant Party,
 could not glory to be the National Religion, or the Standard of Truth to the whole
 Kingdom.

In the year 1567. King *James* the sixth being happily Crowned in his Cradle, *July*
 29. a Parliament was held at *Edinburgh* on the 15th. of *Decemb.* in which *James* Earl of
Murray being constituted Regent during the Kings Minority, the former Confession of
 Faith was ratified in Terms, and made the staple Doctrin of the Realm; when it was
 further Enacted, that such as opposed that Confession, or refused to participate of the Sa-
 craments, as they were then ministred, should not be reputed for Members of the Kirk
 within that Kingdom.

And that they might for ever (as far as the Wisdom and Policy of man could
 reach,) prevent the Apostasie of the Nation from the Faith then solemnly owned, and
 its Relapse into Popery and Idolatry, it was Ordained that all Kings, Princes and
 Magistrates, should at the time of their Coronation, or Receipt of their Princely Au-
 thority

thority, take their *Great Oath* in the presence of God, *That they shall maintain the True Religion of Jesus Christ, the Preaching of his Holy Word, and due Administration of the Sacraments then received, and shall abolish all false Religion contrary to the same.*

In this eminent advance towards a perfect Reformation, Mr. *John Knox* was a great Instrument, a person of whom nothing moderate, nothing mean is spoken, by any that have had, or made an occasion to mention his Name; with some he bears no less than seditious, turbulent, factious: Amongst those of another Temper he is recorded, pious, learned, zealous. But to speak a great plain Truth, as any one is engaged in, or leaning to, the Popish or Protestant Interest, so is he either extolled to Heaven, or decried to the pit of Hell.

Bale (in *Century 14.*) Characterizes him as a person of *Great Literature, wonderful Courage*, notable Zeal, and singular success in preaching the Gospel of Christ, almost then a stranger to those Northern Climates. *Beza* styles him the *Apostle of the Scots*, magnifies his pregnant Wit, his Education under *John Major*; his surpassing his Tutor, his early receiving the light of the Gospel; his Renunciation of Popery, his undaunted profession of the Faith before his Enemies; his condemnation by them, his Exile in *England*; his nearness to King *Edward the Sixth*, and an offer made to him of a Bishoprick, which he with much modesty and self-denial refused.

Melchior Adam in his Life, is large upon this subject; nor yet do there want others who have employed their Pens to throw Ink in the face of this great man, who standing in a place so publick, and bearing so considerable a figure in the *Scottish Church*, and in foreign parts also, 'twas impossible but his Virtues and Vices must be conspicuous, neither of which would want their utmost aggravations and straining, as they fell in the way of the contesting parties.

But that which in my Judgment is his greatest Ornament, and an attestation from Heaven itself, is this, That that *Confession of Faith* composed by him, and afterwards confirmed by the first Parliament of King *James the Sixth*, notwithstanding the many bickerings and fierce contests about Religion, which have disquieted that poor Kingdom, whatever alterations have been made in Worship, Discipline and Government of the Church, yet still this *Confession* has stood as the openly avowed Doctrine of the Realm; and considering all circumstances, 'tis very probable that no force or power will be able to extort it out of their Hands.

A presumptive Argument whereof is this, That whereas the Name of Mr. *John Knox* be grown into contempt among many of them, his Discipline hated to the Death, his principles as to Monarchy rendred odious, yet no attempt (at least none successful) has been yet made to repeal the System of Doctrine penned by him and his Brethren: Insomuch that when this present year 1681. an Oath was imposed by the Parliament to be taken by all that bear any publick Trust; this *Confession* was referred to therein, as the measure of the common belief, the Test of the publick Orthodoxy, and the standing scale of the Protestant Religion current in the Nation.

C H A P. I

Of the Confession of Faith owned in the Church of SCOTLAND.

THE late Impeachment of *Archibald Earl of Argyle* for High Treason, as it hath been for some time the ordinary Theme of Discourse; and because the said Earl appeared in so Eminent a Character as one of the Lords of his Majesties most Honourable Secret Council, and a Commissioner in the Treasury (Offices of great Honour and Trust) it seemed hard to conceive what Temptations could be strong enough to seduce him from his Allegiance.

The more Inquisitive part of men, who laboured to profound the mystery, were soon informed, That whereas an Oath or Test to be taken by all persons in publick Trust, was imposed by virtue of an *Act against Religion*; and the Test made at *Edenburgh* the last day of *August, One thousand, Six hundred, Eighty and one*, the said Earl had put an Interpretation upon it before the Secret Council, when called on to take the said Oath according to the duty of his place. This Action of his was censured by some as rash, and unadvised, by others as Christian, and conscientious; and divers men gave their divers judgments thereof, as interest, or affection, or perhaps as better information dictated to them, till at last it was reported that his said Interpretation purported Treason, and that

that he would be tried upon it for his Life, his Honours, and whole Estate. No sooner did his Explanation or Interpretation of the Oath appear in Print, but the Judgment, Conjectures, and Guesses of all Men were hard at work, to divine wherein the Treason imputed to it should lie; for the superficial Readers could discern in it nothing but what was Rational, Loyal, Modest, and becoming a good Christian, but the more prying and politick heads soon discovered a vein of most horrible Treason lurking in it. And because all men are not of the same depth of Judgment, but some are apt to make a hasty and slight Judgment of matters, I have thought it convenient to give them what satisfaction I could arrive to my self, and to lay before the world whatever of Treasonableness and Disloyalty I could find therein.

And because the aforesaid Oath doth in the first place relate to the *Confession of Faith* before mentioned; it is absolutely necessary that I give some account thereof, as humbly conceiving it impossible to come to a determination, whether the Earl had just ground for his scrupulous hesitancy in subscribing before it be cleared, what the *Tenor* and nature of that Confession is, to which Subscription is so peremptorily required.

This Confession is comprised in twenty five Articles: The 1. of God: 2. Of the Creation of man: 3. Of Original Sin: 4. Of the Revelation of the Promise: 5. The continuance, preservation and increase of the Church: 6. Of the Incarnation of Jesus Christ: 7. Why it behoved the Mediator to be very God, and very Man: 8. Of Election: 9. Of Christs Death, Passion and Burial: 10. Of the Resurrection: 11. Of his Ascension: 12. Of Faith in the Holy Ghost: 13. Of the cause of Good-works: 14. What works are reputed good before God: 15. Of the perfection of the Law, and the imperfection of man: 16. Of the Church: 17. Of the Immortality of the Soul: 18. Of the Notes by the which the true Church is discerned from the false, and who shall be Judge of the Doctrine: 19. Of the Authority of the Scriptures: 20. Of the General Councils, of their power, authority and cause of their Convention: 21. Of the Sacraments: 22. Of the right administration of the Sacraments: 23. To whom Sacraments appertain: 24. Of the Civil Magistracy: 25. Of the Gifts freely given to the Church.

From these naked Heads, and bare titles of the Confession, it will be yet impossible to conjecture whence the difficulty should arise; and therefore that the Reader may not complain of any omission of what might possibly contribute to his satisfaction, I shall freely transcribe from the said Confession what might possibly stick with him, or give any occasion to that *Salvo*, or Explanation, with which the Earl was willing to take the Oath.

In the 16. Article of the Church, it is asserted, *That Jesus Christ is the only Head of the Church*: In the Test it is required to swear that *the Kings Majesty is the only Supreme Governour in this Realm (viz. of Scotland) over all persons, and in all causes as well Ecclesiastical as Civil*. It is impossible that as wise a Man as the Earl may suppose these terms, *The only Head and the only Supreme Governour*, are equivalent, and that there may be thought no real, yet a seeming contradiction, which might be sufficient ground for an explanation of the Oath, that no quarrel might afterwards arise either between him and his Conscience, or between him and his Prince; however, it might possibly come into his head to adjust matters, so that he might not set Jesus Christ, the King, and his Conscience together by the ears, as knowing well if he did, who would have the best of it in the issue: And yet I protest I dare neither put a construction upon the *Confession*, upon the *Oath*, or upon the Earls *Explanatory Declaration*, because I cannot prognosticate what may be Treason if ever I should have so little wit as to travel Northwards.

In Article 19. *Of the Notes whereby the true Kirk is discerned from the false*: we find the Church renouncing *Lineal Descent* (or succession) as meant of those Notes, or assured Tokens whereby the *Immaculate Spouse of Christ is known from the horrible Harlot, or Kirk malignant*. In the Test it is required to swear that *there lies no obligation upon him for the National Covenant, or the Solemn League and Covenant, to endeavour any change or alteration in the Government, either in Church or State, as it is now established*. Now whether he conceive that a *Lineal Descent* of Priests from Bishops and Archbishops, might not possibly run him up as high as the Papal Hierarchy, is a secret in his own bosom, and not to be unlockt by any bold conjecture of mine.

It's more suspicious that what follows in the same Article might administer some appearance of contrariety between the *Confession* and the Test; for in this Article we read thus, *Ecclesiastical Discipline uprightly ministered as Gods word prescribeth, whereby vice is repressed, and vertue nourished, is a note of the true Church*. Now if he apprehended that the Discipline at present established, either was not such as Gods Word prescribed; nor such as whereby, *vice is repressed, and vertue encouraged*, it is possible he might think it somewhat hard to swear without a *Salvo*, not to endeavour any alteration in the Government of the Church, seeing that the repressing of vice, and nourishing of vertue, being the great ends of Ecclesiastical Discipline, whatever Discipline does not reach those ends, may need an alteration, and by consequence

consequence that it might be his duty to endeavour it, especially if the means of such alteration were no other than what were lawful, and that he acted no otherwise than in his place and station.

He might also conceive (for ought I know) that it was not simply impossible for a Church in her Canons, for a Nation in its Acts and Laws to contradict it self; for besides that it seems the peculiar Prerogative of the Sacred Oracles not to admit of real self contradictions, the Systems of Human Laws and Constitutions, being voluminous, and ordained by several persons, in several ages, acting upon various interests and Principles, and none of these Legislators either separately, or conjunct, guided by an infallible Spirit, but many times by their personal and particular inclinations, tempers, Interests and factions; besides I say all this, that very Article supposes it to be a thing universally granted that the Spirit of God, which is the spirit of unity, is in nothing contrarious to it self, but yet supposes also, that the interpretation, determination, or sentence of a Church or Council may be contrary and repugn to the plain Word of God, and so to it self also. However to suppose such a thing is no such absurdity; or at worst, it's hard to conceive where the venom, poyson, or malignity of the Treason should lodge, unless there should be any Authentick Charter of Infallibility privately set down in a Portmantle, which has influenced the Assembly with this Sacred privilege.

In the 22 Article of the right administration of Sacraments, there seems somewhat which may minister cause of stumbling to a weak judgement; viz. That Sacraments be rightly ministrated we Judge two things requisite, the one that they be ministrated by lawful Ministers, they being men lawfully chosen by some Church, and why may not we fancy that the Earl might conceive that the present Ministers not being chosen by the Church, but nominated by the Patron, instituted by the Bishop, and inducted by some other at the Bishops appointment, were not therefore lawful Ministers and Pastors of the Flock, as wanting that Election which the Article makes so necessary to the right administration of Sacraments, and therefore that the Sacraments administered by such as are not lawful Ministers, are all meer nullities, and therefore further he might conceive it hard to be compelled to swear that he would endeavour no alteration, in his place and station, by means just and lawful.

Add herunto what is asserted in the same Article, as the second requisite to the right ministrating of the Sacraments, viz. That they be ministrated in such Elements, and in such sort as God hath appointed, else we affirm that they cease to be right Sacraments of Jesus Christ; and therefore it is that we see the society with the Papistical Church, in participation of their Sacraments: First, because their Ministers are no Ministers of Jesus Christ: And secondly, because they have so adulterated both the one Sacrament and the other with their own invention, that no part of Christs Action abideth in the original purity. For oil, salt, spittle, and such like in Baptism are but mens inventions. Whereas therefore the Oath requires him solemnly to swear as in the presence of God, that he owns, and sincerely professes the Protestant Religion contained in the Confession of Faith (whereof this Clause is a main part) recorded in the first Parliament of King James the Sixth, and that he believes the same founded on and agreeable to Gods Word, and thereupon promises and swears that he will adhere thereto all the days of his Life. And perhaps seeing or thinking that he sees some Ceremonies at present practised, and possibly established by some other Law, which according to his weak Judgement have no more warrant from Gods Word, than Oil, Salt and Spittle, which that Article condemns for such inventions of men, as make the Sacraments cease to be the true Sacraments of Jesus Christ, and such as they are sworn to fly from. I say having these conceptions, 'tis short of impossible that he might conceive himself bound to enter his Explanatory Salvo, lest he should either repugn the Article which he swears to, or swear to a Contradiction, that he will endeavour no alteration; seeing he might think that the Confession must either be reformed according to the present practice, or the present practice reformed by the Confession, to render them Harmonious.

To go on in the 23 Article of the Confession, to whom the Sacraments appertain, it is asserted, That the Sacrament of the Supper of the Lord appertains only to such as have been of the household of faith, and can try and examine themselves as well in their faith, as in their duties towards their neighbours. That such as eat at the Holy Table without faith, or being at dissention and division with their brethren, do eat unworthily. And therefore it is that in our Churches, Ministers take publick and particular examination of the knowledge and conversion of, such as are to be admitted to the Table of our Lord Jesus.

In this Article then there are two things remarkable, first matter of right, who they are that may challenge and claim that blessed privilege; and the Article is express, Such as are of the household of faith, such as can examine themselves of their faith and charity. Secondly, we have matter of fact, what was the usage and practice of that Church as then constituted and established, and that is expressed thus, They take both publick and particular examination of the knowledge and lives of those that are to be admitted to the Lords Supper.

But now suppose the Earl had observed, that the present practice was contrary to the declared right; suppose he saw the former Discipline neglected, and it may be other Rules for admission introduced, suppose he knew that vicious and debauched persons were ordinarily and promiscuously admitted to that Ordinance, without previous examination in publick; I cannot tell but it might stumble him into a conceit, that it was his Duty to endeavour a reformation according to the Word of God, and the Doctrine of the Church, which he had sworn to; and that he must be guilty of down-right Perjury, if he should swear to the Confession, and that clause in it; And therefore it is that in our Churches Ministers take publick and particular examination of the Knowledge and Conversation of such as are to be admitted, if really, and in fact there be no such public and particular examination taken.

These things I have only mentioned, not knowing whether indeed his Lordship scrupled at any or all of them; but simply proposing what he might possibly scruple, in case he was of a timorous and tender spirit: But possibly there may be more ground of suspicion from what follows, Article 24. Of the Civil Magistrate; for here 'tis not impossible but he might find some expressions which came not up fully to that height of Loyalty and Zeal for his Prince, which he was conscious of in his own Breast; which Clauses though they might speak nothing but the Truth, yet perhaps might not speak the whole Truth; and though they asserted nothing but Loyalty, yet they might speak something short of a Subjects compleat Loyalty.

And to tell the truth, I have heard from an Ear-Witness, that the Reverend Bishop of Edinburgh in a Sermon preached by him presently after the Act for the Test was passed, declared openly in the Pulpit, that the Test did contain something more than what was to be found in the Confession, which yet without contradiction might well be; nevertheless let us hear the Article it self, *We confess and avow that such as resist the Supream Powers (doing that which appertaineth to their charge) resist Gods Ordinance, and therefore cannot be guiltless. And further, we affirm that whosoever deny to them their Aid, Counsel, and Comfort (whilst the Princes and Rulers vigilantly Travel in the Executing of their Office) that the same Men deny their Help, Support and Counsel to God.* In which Clauses there seems to be two things considerable: 1. They testify against resistance; but then it's only against resisting the Supream Power, and seems not to be extended to those that are commissioned by them; and then (which is suspicious) it's bounded and limited with an odd Clause, *Viz. Doing that which appertaineth to their charge.* 2. They declare for active obedience, in aiding, supporting the Supream Powers; but withal 'tis while the Prince and Rulers vigilantly travel in executing their Office. So that at the first blush it may seem to insinuate and allow some such thing, that if the Supream powers do that which appertain to their charge, they are not to be resisted, otherwise they may: And that so long as they travel, and vigilantly travel in the execution of their duty, they are Actively to be obeyed, otherwise not. And who can tell, that the Earl might not fear that something herein might be short of his duty, and therefore desire he might explain himself to this purpose, *That he meant not to bind up himself from endeavouring any alteration, which might restrain the generosity and loyalty of his Soul in giving a more universal and unlimited obedience.*

It is true, the Secrer Council has given an Explanation of this matter, which is far enough from any Impeachment of Loyalty: But yet it would be stranger, that his Explanation of the Test to a sense so conform to that of their Lordships should ever be construed up so high, as High Treason.

But that which seems most probably the greatest difficulty is what we meet withal in Art. 14. alias 15. *What works are reputed good before God?* Amongst which to repress Tyranny is enumerated as a work morally good, and within the particular duties of the Decalogue, and the evil work contrary thereto they assign to be, *to resist or disobey any that God hath placed in Authority, while they pass not over the bounds of their Office.* And now what marvel can it be if the Earl upon these, or some of these, considerations interposed a Declaration of such a sense as might render the Confession not derogatory to, or clashing with, his Loyalty, at least it's very severe to interpret the excess of Loyalty to be High Treason.

Let thus much suffice concerning the Confession of Faith, with the influence it might possibly have upon the doubts and scruples of the Earl of Argyle, relating to the Oath.

C H A P. II.

Of the Oath to be taken by all Persons in Publick Trust.

MY next labour must be to give the Reader a true Copy of the Oath or Test, that so comparing the Oath with the Confession, the Reader may have the better light to form a comparison between them, and to make a judgment (I mean in his own breast) whether there be found, and can rationally be suspected any contrariety between them that might move a Loyal Subject, an upright Christian, a rational Man, to stick at the subscribing and swearing to it.

The Tenor of the Oath to be taken by all Persons in Publick Trust.

I solemnly Swear in the presence of the Eternal God, whom I invoke as Judge, and Witness of my sincere intention of this my Oath, that I own, and sincerely profess the true Protestant Religion, contained in the Confession of Faith, recorded in the first Parliament of King James the sixth; and that I believe the same to be founded on, and agreeable to, the written Word of God. And I promise and swear, that I shall adhere thereto, during all the days of my life-time, and shall endeavour to Educate my Children therein: And shall never consent to any change, or alteration contrary thereto: And that I disown, and renounce all such Principles, Doctrines, or Practices, whether Popish, or Phanatical, which are contrary upto, and inconsistent with, the said Protestant Religion, and Confession of Faith. And for Testification of my Obedience to my Most Gracious Sovereign CHARLES the Second, I do affirm and swear, by this my Solemn Oath, That the Kings Majesty is the only Supreme Governour of this Realm, over all persons, and in all Causes, as well Ecclesiastic as Civil: And that no Foreign Prince, Person, Pope, Prelate, State or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Preheminency or Authority Ecclesiastical or Civil, within this Realm. And Therefore I do utterly renounce, and forsake all Foreign Jurisdctions, Powers, Superiorities and Authorities. And do promise, that from henceforth, I shall bear Faith and true Allegiance to the Kings Majesty, his Heirs and lawful Successors. And to my power shall assist and defend all Rights, Jurisdctions, Prerogatives, Priviledges, Preheminencies, and Authorities belonging to the Kings Majesty, His Heirs and lawful Successors. And I farther affirm and swear by this my Solemn Oath. That I judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence whatsoever, to enter into Covenant or League, or to Convoke, Convene, or Assemble in any Councils, Conventions, or Assemblies, to Treat, Consult, or Determine, in any matter of State, Civil or Ecclesiastick, without His Majesties special command, or expresse Licence had thereto, or take up Arms against the King, or those Commissionated by Him. And that I shall never so rise in Arms, or enter into such Covenants, or Assemblies: And that there lies no obligation on me from the National Covenant, or the Solemn League and Covenant (so commonly called) or any other manner of way whatsoever, to endeavour any change or alteration in the Government, either in Church or State; as it is now established by the Laws of this Kingdom: And I promise and swear, that I shall with my utmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly: And I shall never decline His Majesties Power and Jurisdiction, as I shall answer to God. And finally I affirm, and swear, that this my Solemn Oath is given in the plain genuine sense and meaning of the Words, without any Equivocation, mental Reservation, or any manner of Evasion whatsoever: And that I shall not accept, or use any dispensation from any Creature whatsoever. So help me God,

That an Oath is a part of immediate Divine Worship, cannot be denied by any that understand the Nature of that Solemn Appeal to God; that we ought to swear in Truth, Righteousness and Judgment, is a little questionable to them that believe the Scriptures to be the Word of God. Whoever therefore shall swear to what he knows to be false, or to what he knows not to be true, stands guilty of taking the Name of God in vain, who will not (whatever men may do) acquit him of that profanation without Repentance,

It becomes therefore every Christian who would free himself of this guilt, advisedly, deliberately, with great care and caution to approach this Sacred Ordinance of God,

to make enquiry before his Vows, lest having rashly ensnared his Soul, he finds himself in a noose which he may sooner cut than untie.

In all *Imposed Oaths*, penned and prescribed by others, the words of the Oath are to be taken in the most *natural*, plain, easie and familiar sense. If the Oath be so *unhappily* penned that the words, sentences and expressions thereof are obviously lyable to various and different senses, the *Imposer of the Oath* ought to explain and interpret his own sense and meaning: If the *Imposer* shall affix any sense or meaning upon the Oath, which the Grammar and plain Letter of the Oath will not bear; if in the Grammatical sense the Oath be unlawful, no incongruous sense given will assail the taker of the Oath from sinful swearing: If the *Imposer* shall so interpret an Oath, that according to his sense it is unlawful to be taken, which yet in the proper, plain and obvious sense is lawful, the Subject may warrantably take the said Oath, in its genuine unforced meaning; for there is no reason why the *Imposer* should make that a snare by his false interpretation, which without such interpretation had been none at all: If the *Imposer* shall refuse to interpret and explain his Oath, the Refuser has a Right to offer his own interpretation, to reconcile it with its self, and with the Word of God, provided such interpretation put no force, offer no violence to any evident sentence or proposition in the Oath. If the *Imposer* shall refuse to give such candid construction of his imposed Oath, and not permit the Receiver to interpret for himself, and that without such publick and private construction, the Oath as it stands in *Terminis* appears contrary to some truth (if it be assertory) or to some duty; if it be promissory) the Subject upon whom it is imposed, and to whom it is rendred, is bound in conscience to God, to refuse it, and rather the penalty, whatever it be, humbly submitted unto.

And as to the Oath now before us, that it ought to be taken in the Natural, fair and ordinary sense is part of the Oath it self: And finally I affirm that this my solemn Oath is given in the plain genuine sense and meaning of the words. It is very strang to hear Men study Evasions, how they may swear without Evasions, and first of all solemnly to protest that they will take the Oath in the plain sense, and yet afterwards can find no plain sense in which to take it; but because of Oaths the World at this day mourns, when the common practice is to resolve first to swear, and afterwards to study how to prove they have sworn lawfully: It is therefore a conscientious method in the Subject, to declare in what sense he is willing to be sworn, and if that be rejected, to reject the Oath, and abide by the consequences of his refusal.

At present I shall only propound these few Queries.

1. *Qu.* Whether a Rational Man, a sincere Christian, a Loyal Subject, might not possibly doubt in the plain meaning of this Oath Test, seeing so many of the *Scottish Synod*, which we suppose are made up of the best learned and most religious persons in the Realm, did for some time upon its first appearance exceedingly stagger at the taking of it, all or most demurred, and many plainly rejected it, as that which no lawful interpretation would render passable?

2. Whether it might not consist with a good understanding, an upright Conscience, and severe principles of Loyalty, to be cautelous in this case when ever the *Secret Council it self*, saw a necessity of making several Explanatory rules according to which it should be taken for the satisfaction of those that were dissatisfied, and without which 'tis more than probable they would never have taken it.

3. Whether, an Oath which binds to the belief of a *Confession of Faith*, consisting of twenty five Articles (some of them very prolix) and an addition of some other matters, Principles, Doctrines and Notions, which are at least larger than those principles and Doctrines contained in that *Confession*, may not Minister matter of debate between a good Christian and his own Conscience, how far, and in what sense, with what restrictions and limitations it ought to be taken, if at all it may be taken?

4. Whether seeing that in the taking of an Oath great regard is to be had to the principles, ends, interests and designs of the *Imposers*; and seeing it is most evident that the Principles, interests of the first Compilers of the *Confession*, were differing from the Principles of the *Imposers* of the present Oath, it will not necessarily follow, that 'tis impossible to swear to this Test without a contradiction, unless we can oblige our selves to a belief that Mr. John Knox, and His Majesties present Lord High Commissioners, with the Right Reverend the Archbishops, the Reverend the Bishops, do center in the same Principles of Religion, the same Politicks, and Sentiments about the governing of this World, and attaining the next.

5. Whether the act of Parliament whereby this Oath is imposed, do not by very clear consequence prove that there is more than ordinary difficulty in the conscientious taking of it; when as the *Kings lawfull Sons and Brothers* are exempted from taking it; who yet may be supposed to see as far into the lawfulness of an Oath as most other men?

6. Whether

6. Whether it may not create disturbance in a mans Conscience to swear there lyes no obligation upon him from the National Covenant, or the Solemn League and Covenant, or by any other manner of way whatsoever to endeavour any alteration in the Government in the Church; if the same person be at the same time conscious to himself of another obligation lying upon him, and that by just Authority to endeavour some such alteration.

C H A P. I.

Of the Earl of Argyle's Interpretation or Explanation of the Oath-Test, upon which he was Tried and Cast, as Guilty of High-Treason.

THE next step I shall make towards satisfaction in this difficult Point, is to exhibit the Earl of Argyle's Explanation, in which he took the Oath, that so we may the better sift out this latent Treason which he is like to feel the effects of sooner than we shall see the bottom of; which I find printed at Edinburg for James Alexander, 1681. *I have considered the Test, and I am willing to give obedience so far as I can: I am confident the Parliament never intended to impose contradictory Oaths; and therefore I think no man can explain it but for himself; and reconcile it as it is genuine, and agree in its own sense. And I take it in so far as it is consistent with it self, and the Protestant Religion: And I do declare, I mean not to bind my self, in my station, and in a lawful way, to reach and endeavour any alteration, I think to the advantage of the Church or State, and repugnant to the Protestant Religion, and my Loyalty, and this I understand as part of my Oath.*

The news of this horrid Treason wrapped up in these words flew over into England some while before we had a true Copy of the Explanation itself; and I remember well when first an Authentick Copy appeared before us, we all stood looking upon one another as Joseph's Brethren in a grand surprize, not knowing, nor able for to divine wherein the venom and poyson of this pestilent Treason should lurk: Some thought that as he who would needs sell a wily Story, had lost all the wit out of it, so the Printer had expunged all the Treason out of his Paper, and that it was as innocent, as when it was pure blank, and in its original white: But others more advised, considered, that much malignity might lie in a very little room, and therefore we scanned, and sifted, and searched it over and over again, if peradventure we might discover the *Teraphim* hidden among the stuff, one of our company saved the difficulty thus: That some things may be Treason in one Country (and that reasonably too) which are not so in another; as they say in a neighbouring Island 'tis felony to steal a Hen, but not a Horse. At last we all agreed upon this: That *Englishmen* were happy, too happy if they knew their own happiness, who live under a more Southern Air, a more temperate climate, where nothing is made a crime but what is so; and where penalties are proportion'd to their crimes.

Nevertheless it was resolved to try if we could pick out any Treason from this short note, and accordingly we took it into parcels.

1. *I have considered the Test.* Consideration cannot be Treason, when the matter of it is duty, and weighty too: He that is to swear ought to consider with himself whether he may lawfully take it or no, how far it binds, and in what capacity he is to keep it inviolate.

2. *And am desirous to give obedience as far as I can.* God himself would accept this desire for the deed it self, he that has a heart universally prepared to obey God, and in some single particular questions, whether this matter be commended or no, an error it may be, a crime it is not, it has not the will in it, no not by interpretation, if the ignorance be really invincible. As far as I can with consistency to my known duty to God; as far as I can with the peace and quiet of my Conscience. And farther, no Prince will desire obedience to a positive Law; at the worst, not to have obeyed so far as he could in this matter, is made but a *High Misdemeanour*, not *High Treason*, by the Act it self. To be declared incapable of publick Trust; and in case they shall execute any such publick Trust, to be punished with the loss of their moveables, and life rent escheat: No penalty that extends to life.

3. *I am confident the Parliament never intended contradictory Oaths.* And sure 'tis hard to conceive that such an honourable thought of the Parliament should be adjudged Treason: I was ready to say, I am as confident as he, but I am taught more discretion, by considering what his confidence cost him: But as confident as the Earl is, that they never intended

intended it; 'tis not simply impossible but that they might commit as great an error as that comes to; especially when perhaps they had not at that time consulted all the numerous, almost innumerable Acts that lye unrepealed in their voluminous Statute books; and without supposal that they intended; they might casually impose an Oath that might interfere either with it self, the Confession of Faith, or some other Law of the Realm, without any Impeachment to their Wisdoms.

4. *And therefore I think no man can explain it but for himself.*] If the Parliament do not explain it, whilst they are in being, I know none that can give an Authentick Interpretation; *so ejus est condere, ejus est interpretari.* The Law maker is the only Law-interpreter; and when Laws are made and interpreted with the greatest authority, every man in the last resort does and must interpret for himself; for when the Legislator has given the sense of his own Law, yet the Subject will and must judge whether that sense be agreeable or no; otherwise, if he resolves to rush on by implicate faith, and blind obedience, he might with equal honesty have swallowed all without such Interpretation.

5. *And I take it so far as it is consistent with it self, and the Protestant Religion.*] And what hurt can there be in all this, if I should subscribe to the Bible so far as it is the Word of God? All that can be supposed as the cause of that limitation is no more but this, that possibly the Translation may be in some places besides the mind of the Penman; or that the error of the Scribe may have introduced some small error into some few Copies. However it were severe, if a man should be denounced an incorrigible Heretick, for the meer offer of such a restriction; and if this Lord did propound such a limitation, it was but *Abundans cautela*, which hurts not, or ought not to do so.

6. *And I do declare I mean not to bind up my self in my station, and in a Lawful way to wish and endeavour any alteration I think to the advantage of the Church or State.*] As there is no person that is a member of any Church or State, but ought in his capacity to contribute what lyes in his power in a lawful way to the welfare of both; and as this Lord was in a higher capacity (being a member both of the present Parliament, and the Secret Council) than many others, so had he far greater opportunities and advantages of serving both than many, than most others. And because there is no Nation in the world whose Constitutions are so absolutely perfect as not to be capable of Melioration, so it were a foul renouncing of that trust which God and the King have reposed in him, to vow that he will never endeavour to make any alteration for the better. That which is convenient in one age or times, appears very inconvenient in another. As the circumstances of things vary, so may, so ought, the Laws; I mean those which are not built upon Eternal reasons, common to all Governments. And yet so cautious was this Earl of giving offences, that he inserted those excellent Clauses, *In my station, and in a lawful way*; and if it be Treason in such a manner to endeavour an alteration for the advantage of Church or State, there's no honest way to VOTE in Parliament for the repealing of an inconvenient Law, or the bringing in of an useful Statute, without being guilty of High Treason.

7. *And repugnant to the Protestant Religion, and my Loyalty.*] In this Clause he declares he doth not intend to bind up himself (still in his station, and in a lawful way) to endeavour any alteration that may be repugnant to the Protestant Religion, and his Loyalty; and why should he, when the end of the said Oath and Test is to secure both? and it would be rigid to interpret a firm adherence to the Protestant Religion, and Loyalty to the Prince, to be High Treason, and to cut his Life shorter for that, to which he is obliged to swear he will adhere to all the days of his Life.

Lastly, *That he takes this Explanation to be part of his Oath.*] is no more than what all Interpretations are; for seeing the sense of the Law is the Law; the sense of the Oath must needs be part of his Oath.

And admit he mistook, when he took this for a part of his Oath, every Mistake is not Treason; and 'tis pity this should be so. And yet to clear him of any intention of High Treason in this Explanation, there needs no more than this; It must for ever render the Council inexcusable before God and all the World; that if they knew that every interpretation of an Oath, made by a private Person for his own truce was indeed Treason; that they did not timously stop him, and shew him the danger he was in, if he should proceed in his begun Resolution? But it's more than probable, they knew as little of High Treason in such an Action as the Earl himself, till some State-Lawyers, to gain Repaire, told them how to squeeze Treason out of Innocency, and make Loyalty it self Criminal.

C H A P. IV.

Of the Explanatory Act of the Secret Council.

IT increases the wonder of all men, that the Earl of Argyle's Explanation of the Test should be found High-Treason; when the *Secret Council* (a Parliament, that very Parliament were still in Being) did the same thing, in the general, without those qualifying Restrictions of endeavouring in ones *Station*, and in a *lawful way*: but because that of the Council carries a greater face of Authority, I shall refer the Reader to it, as we have it from the Publick Gazette, of Nov. 21. 1681.

Edinburgh, Nov. 3.

His Majesties Privy Council here have made the following Act concerning the TEST.

FOrasmuch as some have entertained Jealousies and Prejudices against the *Oath and Test* appointed to be taken by all Persons in Publick Trust, Civil, Ecclesiastick or Military, in this Kingdom, by the Sixth Act of his Majesties Third Parliament; as if thereby they were to swear to every Proposition or Clause of the Confession of Faith therein mentioned, or that Invasion were made by it upon the Intrinsic Spiritual Power of the Church, or Power of the Keys; or as if the present Episcopal Government of this National Church by Law Established, were thereby exposed to the hazard of Alteration or Subversion; all which are far from the Intention or Design of the Parliaments imposing this *Oath*, and from the Genuine Sense and Meaning thereof: Therefore his Royal Highness, His Majesties High Commissioner, and the Lords of the Privy Council, do allow, authorize and empower the Arch-Bishops, and Bishops to administer this *Oath and Test* to the Ministers in their respective Diocesses, in this express Sense, as the Sense of the Parliament.

1. That though the Confession of Faith ratified in Parliament, 1567. was framed in the Infancy of our Reformation, and deserves it's due Praise; yet by the *Test* we do not swear to every Proposition or Clause therein contained, but only to the True Protestant Religion founded on the Word of God, contained in that Confession as it is opposed to *Papery and Phariſaism*.

2. That by the *Test*, or any Clause therein contained, no Invasion or Incroachment is made or intended upon the Intrinsic Spiritual Power of the Church, or Power of the Keys; as it was exercised by the Apostles, and the most Pure and Primitive, in the first three Centuries after Christ, and which is still reserved intirely to the Church.

3. That the *Oath and Test* is without any Prejudice to the Episcopal Government of this National Church, which is declared by the first Act of the Second Session of his Majesties first Parliament, to be most agreeable to the Word of God, and most suitable to Monarchy, and which upon all Occasions, his Majesty hath declared he will inviolably and unalterably preserve. And do appoint the Arch-Bishops and Bishops to require the Ministers in their respective Diocesses, with their first conveniency, to obey the Law in Swearing, and Subscribing the foresaid *Oath and Test*; with Certification, that the Refusers shall be esteemed Persons disaffected to the Protestant Religion, and to his Majesties Government; and that the Punishment appointed by the foresaid sixth Act of his Majesties third Parliament, shall be impartially, and without delay inflicted upon them.

Whether by the Laws of Scotland, the Lord Commissioner and the Lords of Privy Council, have Power to Authorize the Arch-Bishops and Bishops to administer the *Oath and Test* in the express Sense there declared; is none of my Province to enquire; nor, is it possible to give my self or others Satisfaction in the Point, without an exact Inspection into the Laws of the Realm, which I pretend not unto: Yet, some things may be noted in the said Act of Explanation, which are worthy our Observation.

1. The Preamble of the Explanatory supposes, that some have entertained Jealousies and Prejudices against the said *Oath and Test*: And, the Supposition is not without Ground; for some whole Synods, some of the most eminent Clergy-men, and, if I be not misinformed, some of the Bishops (at last or first) have scrupled it: And among others, it was the Unhappines of the Earl of Argyle to be one.

2. It

2. It appears hence, that their Lordships were not ignorant of those Jealousies that were got into Mens Heads, and that many of the Kings very good Subjects were in that Number, whom their Honours were willing to gratify, to condescend to their Weakness by an Interpretation, which accordingly they did by this their Act.

3. That these Scruples were of several Natures, some upon one Account, some upon another; to which, they apply themselves suitably, as the difficulty required: And yet, that none of those under Consideration, were those made by the Earl of Argyle.

4. One of these Jealousies was as if they were to swear to every Clause, or Proposition of the Confession of Faith therein mentioned; which the Council clears by this Answer, That though the Confession of Faith ratified in Parliament, 1567. was framed in the Infancy of our Reformation, and deserves its due Praise, yet by the Test, we do not swear to every Proposition or Clause therein contained, but only to the True Protestant Religion founded in the Word of God, contained in that Confession, as it is opposed to Popery and Fanaticism.

5. Let it be observed, that herein we have, 1. a Scruple. Some it seems, in Scotland, stumbled at it, that they were obliged to swear to every Clause and Proposition in the Confession: But who should these be that made this Objection? The Protestants, who formed, and first composed the Confession, never questioned, never scrupled Subscription to the whole; it was that which from the beginning of the Reformation, they contended for, they triumph'd in as their Glory; and it was enacted that whoever opposed it should not be taken for Members of their Church: But the Papists indeed, always from the beginning to this Day, abhorred it; refused Subscription, except such as by their Confessors had an Indulgence to Subscribe any thing to serve the Papal Interest.

2. We may further observe, what provision is hereby made for Popish Tender Consciences which is laid down, 1. Negatively, That by the Test we do not swear to every Proposition or Clause therein contained. Not to every Clause: Then to how many, to how few? To which Clauses are they bound to swear? We find no Number of Clauses express'd, which are to be sworn to, which are not: And the Papists will doubtless be indulgent enough to themselves, and swear to very few that touch'd their beloved Principles; so that the Papists have now an Explanation as will make the Test as easie as they can desire.

2. Affirmatively: We are to swear to the True Protestant Religion therein contained, founded on the Word of God, as it is opposed to Popery and Fanaticism. But, this leaves all at Uncertainties: For, 1. Whence is the Test of Popery and Fanaticism? Some will make all things to Popery, and some Nothing; some will make all things Fanaticism, and some will make Nothing so: So that to swear to the Confession so far only as it is opposed to these, is to swear to every thing, or nothing. 2. To swear to the Confession so far as 'tis founded on the Word of God, is to swear what every Man will swear: A Papist will swear to Protestantism thus far: For, he has a twofold Word of God, a written, and an unwritten Word of God; he has a Scriptural and a Traditional Word; he's not such a Fool, as to exclude himself from Honours, Offices, Preferments; for a silly Word, called Protestantism; let him be obliged to swear no farther to it than as 'tis agreeable to God's Word, and he will be contented, if he be not distracted: And so will a Protestant subscribe to the Council of Trent, so far as 'tis agreeable to the Word of God.

3. This Comment destroys the Text; it overthrows what it designed, or pretended to design; it pretends to secure the Protestant Religion, which Protestant Religion, is contained in the Confession of Faith; which Confession of Faith, is supposed to be founded on the Word of God. But now comes the Explication, and tells us, we are not obliged to subscribe to every Clause, to every Proposition; but only to the True Protestant Religion, founded in the Word of God, contained in the Confession; whereas the Confession is the Touch-Stone, the Test, the Standard of the Protestant Religion; as owned ever since the Reformation of the Church of Scotland. 4. All that are called Christians, of whatever denomination, will pretend that their Religion is founded on the Scriptures, only they differ in the Explication thereof to prevent which Evil, the first Reformers in Scotland (and so in England too) labour'd to reduce the Principles of Religion contained in the Scriptures to a certainty: Which that they might do, they drew up the Heads of their Faith into certain Articles, which they own as their Belief from Gods Word: But now comes this lax Interpretation, and not insisting upon the truth of the National Confession of Faith; they enjoyn men to swear to it, not as supposing it consonant to Gods Word, but so far as it is so: And therefore not all Clauses, not all Propositions, are owned to contain sound Doctrine, but such as are founded on the Word; and yet which they are, they prudently conceal; and leave us to our own liberty to pick and chuse out which we please, for ought can be seen to the contrary.

6. The other two Scruples are supposed to be made by the Prelatists, and the Superiour Clergy, and how the Answer serves and satisfies their Pretensions, as I do not know, so I shall

not

nor give my self the trouble to enquire: Only, where we may suppose the Kingdom of Scotland to contain in it three sorts of Persons; First, Papists; Secondly, High-flown Prelatists; Thirdly, The old Breed of the first Reformers; Here are *Salvos* for the first and second sort, but no regard had to the *Old Protestants* of the first Edition: But such a temper found out to let in the former, but quite to exclude the latter: Of which sort, if we could suppose the present Earl of Argyle to be, we may then see a sufficient ground why he could not acquiesce in the Explication of the Council, being framed for other Interests; and a Reason why it was absolutely necessary he should explain himself, consonant to the true and genuine meaning of the Test, which before that other forced and violent interpretation of the Council, he had not been necessitated to do. And the consequence of this Interpretation will be this, That palliated Papists will creep hereby both into Church and State; when many conscientious Protestants of the old stamp will be for ever excluded.

C H A P. V.

Of the Charge or Indictment of High-Treason preferred against Archibald Earl of Argyle.

WE have not hitherto, by any industry of our own, assisted by our meek Mother Wit, been able to discover the High-Treason that may be supposed to lie hid in that Explication of the Test, which he gave into the Privy Council; it remains that we now inform our selves from more prying Eyes: For, the States-Men and great Lawyers of Scotland, who should best understand their own Statutes, have, by comparing the *Fact* with the *Law*, discovered not only Treason, but many Treasons in that paper, and therefore, to the Indictment or Charge it fell. I shall remit the Reader.

A True Copy of the Indictment which is preferred against Archibald Earl of Argyle, for High-Treason, who is to be tried on Monday the 12th. Day of this Instant December 1681. as it was taken from the Original Records.

Archibald Earl of Argyle, you are Indicted and Accused, that albeit by the Common Law of all well governed Nations, and by the municipal Laws and Acts of Parliament of this Kingdom, and particularly, by the 21 cap. Stat. 1. Rot. 1. and by the 43. Act of Parl. 2. Jac. 1. and by the 83. Act of Parl. 5. Jac. 6. and the 134. Act of Parl. 14. Jac. 6. and by the 204. Act of Parl. 8. Jac. 6. all Lising-makers, and Sellers of them, are punishable with tinsel of Life and Goods; likewise, by the 7. Act of Parl. 7. Jac. 6. it is Statute, That no man interpret the Kings Statutes otherwise then the Statutes bear, and to the Intent and Effect that they were made for, and as the makers of them understood; and who so does to the contrary, to be punished at the Kings Will. And by the 1. Act Parl. 1. Jac. 6. it is Statute, That none of his Majesties Subjects presume to take upon hand publicly to declare, or privately to speak, or write any purpose of Reproach against his Majesties Person, Government, or State, or to deprave his Laws and Acts of Parliament, or misconstrue his proceedings, whereby any mistaking might be moved betwixt his Highness, his Nobility, and his Loving Subjects in time coming, under pain of Death, certifying them that do on the contrary, they shall be reputed as seditious and wicked Instruments, Enemies to his Highness, and the Commonweal of this Realm; and the said pain of Death shall be executed against them with all Vigour, to the Example of others. And by the 2. Act Sess. 1. Parl. 1. Car. 2. it is Statute, That whoever shall by Writing, Libelling or Remonstrating, express, publish or declare any Words or Sentences to stir up the People to the dislike of his Majesties Royal Prerogative and Supremacy in Causes Ecclesiastical, of the Government of the Church by Archbishops and Bishops, as it is now established by Law, under the pain of being incapable to exercise any Office, Civil, Ecclesiastical or Military, within this Kingdom, in any time coming; Likewise, by the fundamental

mental Laws of this Nation, and by the 138 Act. Parl. 8 Jan. 6. it is declared, That none of his Majesties Subjects presume, or take upon hand to impugn the Dignity and Authority of the three States of Parliament, or to procure Innovation, or Diminution of their Power and Authority under the Pain of Treason; and it is much more Treason in any of his Majesty's Subjects to presume to alter Laws already made, or to make new Laws, or add any part to any Law by their own Authority, that being to assume the Legislative Power to themselves, which is his Majesties best and most incommunicable Prerogative. Yet, true it is, that albeit, his Sacred Majesty did bestow upon you the said *Archibald Earl of Argyle*, these vast Lands, Jurisdictions, and Superiorities, justly forfeited to his Majesty, by the Crimes of your deceased Father, preferring your Family to these, who had served his Majesty in the late Rebellion against it; but also pardoned and remitted to them the Crime of Leising, making and misconstruing of his Majesty and the Parliaments proceedings, against the very Laws above written, whereof you were found guilty, and condemned to die therefore, by the High Court of Parliament, *June 1662*. And raised you to the Title and Dignity of an Earl, and of being a Member in all his Majesties Jurisdictions. Notwithstanding of all these and many other Favours, to you the said *Archb. Earl of Argyle*, being put to the Lords of his Majesties Privy Council, to take the Test appointed by the Act of the last Parliament, to be taken by all Persons in publick Trust, instead of taking the said Test, and swearing the same in the plain sense and meaning of the Words, without Equivocation, mental Reservation, or Evasions whatsoever, you declare against and defame the said Act; and having to the end you might corrupt others by your pernicious Sense, drawing the same in a Libel, of which Libel, you dispensed, and gave abroad Copies, whereby evil Example was given to the Kings Proceedings, at a time, especially, when his Majesty's Subjects were expecting that Submission should be given to the said Test; and being desired the next Day, to take the same as one of the Commissioners to his Majesties Treasury, then did give in to the Lords of his Majesties Privy Council, and owned twice in plain Judgment before them, the said defamatory Libel against the said Test and Act of Parliament, declaring that ye had considered the said Test, and was desirous to give Obedience as far as ye could, whereby ye clearly insinuate, that ye were not able to give full Obedience.

In the Second Article of which Libel, ye declare that ye are confident that the Parliament never intended to impose contradictory Oaths whereby to abuse the people with the Belief, that the Parliament had been so impious as really and actually to impose contradictory Oaths, and so ridiculous as to have made an act of Parliament (which should be most deliberate of all Human actions) quite contrary to their own Intentions; after which, ye subsumed, contrary to the Nature of all Oaths, and to the acts above-cited, that every man must explain it for himself, and take it in his own Sense; then the Oath is imposed to no purpose; for the Legislator cannot be sure that the Oath imposed by him will bind the Takers according to the Design and Intent for which he appointed it, and the Legislative Power is taken from the Imposer, and settled upon the Taker of this Oath, and so he is allowed to be the Legislator, which is not only an open and violent depraving of his Majesties Acts of Parliaments, but is likewise a settling of the Legislative Power upon private Subjects, who are to take such Oaths.

In the Third Article of the said paper, you declared, That ye take the Test in as far only as it is consistent with it self and the Protestant Religion; by which, you maliciously intimate to the people, that the said Oath is inconsistent with it self and the Protestant Religion, which is not only a down-right depraving of the said Act of Parliament, but is likewise a misconstruing of his Majesty and the Parliaments proceedings, and a misrepresenting to the people in the highest degree, and in the tenderest points wherein they be concerned, and

implying that the King and Parliament have done things inconsistent with the *Protestant Religion* for securing of which, that *Test* was particularly invented.

In the Fourth Article you expressly declared, That you mean not by taking the said *Test*, to bind up your self from wishing, or endeavouring any Alteration that ye shall think for the Advantage of the Church or State: whereby, although it was designed by the said Act of Parliament and Oath, That no Man should endeavour any Alteration of the Government, either in Church or State, as it is now established; and the duty of all good Subjects in humble manner to obey the present Government; yet you not only declared your self, but by your Example invited others to think themselves loosed from that obligation, and that it is free for them to make any Alteration in either, as they think fit, concluding your whole paper with these Words: [*And this I understand as a part of my Oath*] which is not only an Invasion upon the Legislative Power, as if it were lawful for you to make to your self any Act of Parliament, since he that can make any part of an Act, can make the whole power and authority in both, being the same, of the Whilk Crimes above mentioned, you the said *Archibald Earl of Argyll*, are notary, art and part, whilk being found by *Justice*, you ought to be punished with pains of Death, Forfeiture of Life, Lands and Estate of Goods, to the Terror of others to do and commit the like thereaf-

Here follows a List of the Officers, or Jurors.

<i>Marquis of Montrose</i>	<i>Lord Elphinstone</i>	<i>Sir Robert Dalziel of Glenmelg</i>
<i>Earl of Leven</i>	<i>Lord Dunkeld</i>	<i>Laird Ballymain</i>
<i>Earl of Winton</i>	<i>Lord Livingston</i>	<i>Laird Parck Gordon</i>
<i>Earl of Strathmore</i>	<i>Lord Sinker</i>	<i>Sir Will. Nicolson of that Ilk</i>
<i>Earl of Roxburgh</i>	<i>Lord Lindores</i>	<i>Laird Lawington</i>
<i>Earl of Haddington</i>	<i>Lord Rollo</i>	<i>Laird Claverhouse</i>
<i>Earl of Dumfries</i>	<i>Lord Brunstard</i>	<i>Laird Longformacus</i>
<i>Earl of Argyll</i>	<i>Laird Parle</i>	<i>Mr. Francis Macgowrie, Brother</i>
<i>Earl of Mar</i>	<i>Laird Lesmore</i>	<i>to the Earl of Eglington</i>
<i>Earl of Huntly</i>	<i>Laird Halliwell</i>	<i>Master of Sallimiroth</i>
<i>Earl of Perth</i>	<i>Laird Hillhouse</i>	<i>Sir Andrew Ramsay of Abis-</i>
<i>Earl of Dunfermline</i>	<i>Laird Ormesdown</i>	<i>ball</i>
<i>Earl of Dalhousie</i>	<i>Laird Touch</i>	<i>Laird Haring</i>
<i>Earl of Sutherland</i>	<i>Master of Ramurich</i>	<i>Laird Gredden-har</i>
<i>Earl of Tredel</i>	<i>Master of Ross</i>	<i>Laird Londine</i>
<i>Earl of Middleton</i>	<i>Master of Barly</i>	<i>Sir William Paterson</i>
<i>Lord Ross</i>	<i>Laird Gofford</i>	

The Names of the Witnesses.

Pat. Maxwell

Lord Register

Hugh Striving son, &c.

Here follows the Explanation of the TEST.

I Have considered the *Test*, and am very desirous to give Obedience so far as I can; I am confident the Parliament never intended to impose contradictory Oaths, and therefore I think no man can explain it but for himself, and reconcile it as it is genuine and agrees in its own sense; and I take it in, so far as it is consistent with it self and the *Protestant Religion*: And I do declare, I mean not to bind up my self in my Station, and in a lawful way, to wish and endeavour any alteration I think to the advantage of Church or State, and repugnant to the *Protestant Religion*, and my *Loyalty*; and this I understand as a part of my Oath.

The day of Conspirance, 12th. of December, 1681.

This dreadful charge we see has found out the Treasons, which to us had been for ever a *Terra Incognita*: Of which I shall say little, not doubting but the Earl and his Counsel will say the more, only we may make some obvious Remarks as we go along, that the paper may not seem utterly desolate, and uninhabited.

And first, We have a recital of sundry Laws and Statutes upon which the Indictment is grounded, and contrary to which the Offences laid to his charge, are said to be committed. One Act tells us, That all Leising-makers, and sellers of them, are punisha-

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"ble with Tinsel of Life and Goods. Another, "That whosoever interprets the
 "Kings Statutes otherwise than the Statutes bear, and to the intent and effect that they
 "were made for, and as the makers of them understood, shall be punished at the King's
 "Will. Another, "That whosoever shall reproach his Majesties Person, Government,
 "or State, or deprave his Laws and Act of Parliament, or misconstrue his Proceedings,
 "whereby misliking might be moved between his Highness, his Nobility and his lov-
 "ing Subjects, shall be guilty of Death. Another, That "whoever, by Writing, Li-
 "belling, or Remonstrating, shall publish any words to stir up dislike of his Majesties
 "Royal Prerogative in Causes Ecclesiastical, of the Government of the Church by Arch-
 "bishops and Bishops, as now established by Law, shall be incapable to exercise any Office,
 "Civil, Ecclesiastical or Military. Another, That whoever presumes to impugn the
 "Dignity or Authority of the Three Estates in Parliament, or to procure Innovation, or
 "Diminution of their Power and Authority, shall be liable to the pain of Treason. Fur-
 "ther, it is asserted (but not Statute cited) "That it is much more Treason to presume
 "to alter Laws already made, or to make new Laws, or add any part to any Law by their
 "own Authority.

2. In the Charge we find a Rehearsal of the *Vassal-lands, Jurisdictions and Superiorities*
bestowed upon the said Earl by his Majesty. But this cannot easily be construed into High-
 Treason, in a well-composed and seld Government, although true it is, that *great Estates*
 have sometimes made their Owners *criminals*, and to be *Rich* has of old been to be
 Guilty.

3. We have the comparing of the Earl's *Facts* with the several *Laws* recited, that so it
 may appear that his Acts are Treasonable, and his Person to suffer as a Traytor.

1. He is charged to have "defamed the Act of Parliament, and to have drawn his
 "Defamation into a *Libel*, to the end he might corrupt others by his pernicious Sense,
 "and to have dispersed, and to have given abroad Copies thereof, whereby evil Exam-
 "ple was given to the Kings Proceedings. That he gave in to the Lords of the Coun-
 "cil the said *Libel*, and owned it twice in Judgment, and that he declared, he had con-
 "sidered the *Test*, and that he was desirous to give Obedience as far as he could: Whence
 "he is charged to have clearly insinuated, that he could not give full Obedience.

It is an unusual thing to have *insinuations*, (though fancied never so *clear*) screwed up
 to High-Treason; seeing these *Insinuations* may be only *taken* unjustly, and never *given*:
 But that an *insinuation* that a man cannot give *full Obedience* to every thing that is com-
 manded by a Law, should be Treason, is beyond all degree of admiration, seeing that
 all the *Papists* in *Scotland* (not to mention the Lord Commissioner himself) do give
 more than *clear insinuations*, even plain and positive profession, that they cannot give full
 obedience to all the Laws, and it were well if they were but half so Loyal as the Earl,
 and were *desirous to give obedience as far as they can*: But it is far otherwise, they totally
 refuse to subscribe the *Confession* (though with the late Explanations, I suppose, they will not
 stick at it) they refrain from the Publick Worship establish'd by many express Laws, and
 yet they are not prosecuted as Traytors.

But though this be called a *Libel*, I can see nothing but Modesty and Loyalty in it,
 being qualified with those words, which the Charge omits, *viz. to endeavour in his sta-
 tion, and in a lawful way*, such Alterations as might be repugnant to his Loyalty. And
 if it had been a *Libel*, why was it so freely received, when he offer'd it first in the Coun-
 cil? It was accepted and entertain'd, and his Oath given to him with that Explanation,
 only it was rejected the next day, when he was called upon to take it again in another
 capacity, *viz. as one of the Lords Commissioners of the Treasury*: It is strange it should
 grow Treason in twenty four hours! Besides, the Law requires not (that I can find) that
 a Person who stands in many Capacities, should take the Oath many times; for if the
 Person be once obliged in Conscience, he is obliged in *every capacity* to the discharge of
 his Oath. Nor could his shewing to his Friends the Copy of his own Explanation, which
 the Council had accepted, be reasonably interpreted a publishing of a *Libel*, seeing it was
 only to shew the Grace and Indulgence of their Lordships to himself, which could be no
 Defamation, but a Commendation of the Tenderness of the Government.

2. He is secondly charged with declaring, that he was "confident that the Parliament
 "never intended to impose contradictory Oaths: And the Inference drawn thence, is that
 "hereby he abused the People with the belief that the Parliament had been so impious as
 "really and actually to impose contradictory Oaths, and so ridiculous, as to have made
 "an Act of Parliament (which should be most deliberate of all Human Actions) quite
 "contrary to their own Intentions.

I cannot tell by what Logick or Law this Inference is deduced from these Premises.
 The Earl is *confident they never intended Contradictions*, therefore he supposes there were
actual Contradictions: No such matter: But therefore it will follow, that where an Act

is penned *dubiously*, it must be so interpreted, as to avoid contradictions, which is a Civility due to all Humane Constitutions, which dare not pretend to Infallibility.

It is true, that Acts of Parliament should be the most deliberate of all Human Actions, they should be so, *de jure*, but are not always so *de facto*; Human frailty must be acknowledged in the midst of the most exact Deliberations: And if the Charge asserts, that they should be most deliberate, it will not prove they ever are so: Passion is very dimighted, and often huddles up things in great haste and disorder; Men may be so zealous to reach the End, that they may stumble at the means; and that that Parliament, of whose Honour we are tender, might suffer something of Humanity, is evident, in that when all was done, the Privy Council was forced to help them over the obscure Style, and interpret it so, that it should rather carry a contradiction to the Protestant Religion than to itself. Not is it a Supposition of the Parliaments Impiety, but a bare admission of their Non-infallibility, to have imposed some things that carry a seeming contradiction to themselves, or to some other Law equally in Being, and forsooth that Impiety affects the Will, which may be good, when the issues of the Understanding are weak: There is no Artist whatever, that always acts up to his Principles and Designs; and the Architectonical may come short in its operations; Practice seldom comes up to its Rules and other Nations (as wise as that) have seen Reason to make Explanatory Acts to interpret the ill wording of the former.

3. He is charged to have *suborned*, contrary to the nature of all Oaths, and to the Acts above-cited, that every man must explain it for himself, and take it in his own sense. This branch of the Charge hath in it matter of Divinity, and matter of Law. Of Divinity, That for a man to explain an Oath himself, and to take it in his own sense, is contrary to the nature of all Oaths. But first, I humbly conceive, that this is not universally true; for if a Person shall tender his own sense, and the Authority who is to administer the Oath, do accept his sense, he then is obliged in that sense and no other: And if the Council had refused to accept his own Interpretation, no doubt he had refused the Oath, which had not been High-Treason, but only a discharge from Publick Trust, Offices and Employments. Secondly, it is so far from being true, that it is not possible for a man to take an Oath lawfully and conscientiously, but he must take it in a sense, that is some way or other his own, for if the sense of the Oath be not made his own before he takes it, he swears without Knowledge and Judgment, and then 'tis no matter whether he take it in any sense at all or no: Let him but wink hard and swear, 'tis well enough.

4. We have here also matter of Law, 'tis said to be contrary to the Act above-cited: Let the Lawyers dispute that; all that I can find is, that no man shall put a sense upon any Law that shall bind another, or be the Publick Sense of the Law to all the Subjects, which, whether it reach the Earl of Argyle or no, or some others that have presumed to impose such a General Sense, is not my task to examine: Yet thus much I conceive is reasonable, that any man may offer his doubts to the Authority before whom he is to swear, or subscribe; if they accept his Solution of them, and that not disagreeing to the Letter of the Oath, he may take the Oath in that accepted Sense, at least, there's no Maxim of common Reason to the contrary.

5. An evil Consequence is charged upon the Earl's practice in the last particular; viz. That then the Oath is imposed to no purpose, for the Legislator cannot be sure that the Oath imposed by him will bind the Takers according to the Design and Intent for which he appointed it: Nay rather the Legislator cannot be sure that the Oath is taken according to his Design, unless the Taker declares that he takes it in his sense: And again, if the Oath be doubtful, and may have many interpretations, there's no way to secure the Legislator that the Taker receives it in his sense, without the most explicate Explanation of his meaning: How shall the Legislator be sure that the Oath is taken in his sense, when the dubious drawing of the Oath makes it uncertain what is the Legislator's sense: Laws can never hold Equivocations and mental Reserves; They are the only men whom he can be sure of, who will deal fairly and above board, and let him know, thus far he may be sure of me, thus far will I swear, and no farther: Nor can it be said, that Oaths are to no purpose, if they be not to all purposes; for they never ought to be used to evil purposes, to insinuate men, to halter their Conscience, or slip dubious Oaths over their Heads, and then tell them, So now we have you hatd and fast, you are bound farther then you dream'd of, you must do thus and thus or be perjured.

6. A further aggravating consequence is, That hereby the Legislative Power is taken from the Imposer, and settled upon the Taker of the Oath, and so he is allowed to be the Legislator, which is not only an open and violent depraving of his Majesties Acts of Parliament, but is likewise a settling of the Legislative power upon private Subjects, who are to take such Oaths: This is the Reasoning of men who live very remote from the Sun, and too near the Article Circle. For is the Judgment which the Swearer uses, is nothing but that of discretion

for himself, not of Legislation for others. He that takes an Oath in that which he judges the true sense, does not impose his Sense upon the whole Nation: The former is his personal Privilege; the latter peculiar to the Legislator: If the Earl of Argyle had said, I take the Oath in this sense, and I command all men whatever to take it in the same sense I have hereby imposed, there had been some colour for this Imputation.

And if it be true, to explain an Oath be to settle the Legislative Power in him that explains it, then it is most evident, that the Secret Council have arrogated to themselves the Legislative Power, who have (not as the Earl of Argyle interpreted it, each for himself, but) imposed a sense in which all Arch-bishops and Bishops are bound to administer it, and such a sense too as plainly ruins the Confession of Faith, the old Standard of Protestantism in Scotland, and therefore may be presumed contrariant to the meaning of the Parliament, who in their Test designed the confirming and establishing of the Protestant Religion, as professed in the Confession.

6. It is charged on the Earl, That he declares, he takes the Oath so far only as it is consistent with it self and the Protestant Religion. In which charge the word (*only*) is added, which I find not in the Earl: And that is a word of great Importance: For as the Earl's words lie, I take it in so far as it is consistent with it self, and the Protestant Religion, may bear no worse sense than this, if the Test be thoroughly consistent with both, these, then I take it thoroughly: which does not necessarily suppose any inconsistency: and if there be a Supposition, I hope an Hypothesis is not High-Treason: but the word (*only*) added in the Charge implies a Supposition of some actual inconsistency with it self, or the Religion; so that here in the Charge has either invidiously represented, or injuriously corrupted the words of the Earl. And I hope this Charge or Indictment is not established by Act of Parliament, but that it may be lawful to examine it.

There is yet something further, and perhaps more material to be observed; namely, that the Earl deals no otherwise with the Test, than the Privy Council deals with the Confession of Faith, in which, nevertheless the Protestant Religion is as much concerned as in the Test. The Council declare, That by the Test we do not swear to every Clause therein (the Confession) contained, but only to the True Protestant Religion, &c. If then it be lawful to swear to the Confession so far only as 'tis agreeable to the Protestant Religion and the Word of God, 'tis equally lawful to swear to the Test so far only as 'tis agreeable to the Protestant Religion: Nay, the Earl is more sparing, in leaving out the Word *Only*, which the Council has added in their Declaration and the Indictment superadded to the Earl's.

7. The Indictment proceeds with an Inference from this last Clause of the Earl's Explanatory. That it is a down right depraving of the Act of Parliament, and likewise a misconstruing of his Majesty and the Parliaments Proceedings, and a misrepresenting to the People, in the highest Degree, and in the Tenderest Points wherein they be concerned; and implying, that the King and Parliament have done things inconsistent with the Protestant Religion.

Which part of the Charge is drawn very strangely, It is a downright depraving--Implying--that is to say, that what a man says by Implication and indirectly, he speaks it downright and directly. But, if the Words be not strained, and distorted from their plain and genuine Meaning, there is neither down-right nor implicate Depravation of the King or Parliament, of their Intentions, Proceedings, or otherwise: For, all these hard Consequences are much more applicable to the Declaration of the secret Council, and not easily applicable to that of his Lordships, without Implications, Inferences, Deductions, which it is not possible to foresee, or to prevent crafty Lawyers from making. The Charge confesses, That the Test was intended for the securing of the Protestant Religion. As far as the Test answers that End, which may be (for ought the Earl has said to the contrary) entirely and thoroughly, so far he takes it, that is entirely and thoroughly; but so far as any thing answers not the End for which it is invented, so far it's no Mean, and so far of no Use; for 'tis the End that gives Dignity and Value to the Means. Now, as the Council hath interpreted the Test, it's no Means to secure the Protestant Religion: For, what is that Protestant Religion which is designed to be secured? and where may we find it? If it be said in the Word of God; That's true: but it's as true too, that all Religions will pretend to be found there: If it be said in the Confession, the Council's Explanation expressly tells us, That the Test requires us not to swear to every Clause or Proposition therein; and 'tis as true, that they tell us not to which Clauses we are to swear, and which not: And therefore we are turn'd off to the former Generality, as it lies in the Scripture, which will never secure the Protestant Religion against the Inroads and Inroachments of Papists and Popery.

8. It is farther charged upon him; That he means not by taking the said Test, to bind up himself from wishing and endeavouring any Alteration he shall think fit, for the advantage of the Church or State. And it cannot be reasonably thought, that any true Subject took it with any other meaning; for no Man when he does a good Work, intends to abridge himself of doing another; and seeing 'tis impossible for the Wit or Fore-sight of man to foresee what

may further emerge necessary to be enacted for the Advantage of Church or State: No man can possibly so tie himself, but that he shall always be at Liberty to do his Duty to the Church and State:

But it deserves a Remark, that the prosecutors here forgot, or else voluntarily omitted, that which would have cleared the Earl's Intentions, namely, that he limits his endeavours to his *Station and a lawful Way*; if it be Treason to endeavour any Alteration for the benefit of the Church and State in a *lawful way*, and when a man acts in his *Place and Station*, all mens hands are tied up from prosecuting the true Ends of their Allegiance.

And yet see how unmercifully these Words are aggravated.

"It was designed (saith the Charge) by the said Act of Parliament and the Oath, that no Man should endeavour any Alteration of the Government either in Church, or State, as it is now established: to which I say,

1. If the *Prints* be true, this is *not true*: for the Test says, *not to endeavour any Alteration in the Government, either in Church, &c.* The Earls papers says, *To endeavour any Alteration to the Advantage of Church or State.* The Charge says, The Act of Parliament designed; That no Man should endeavour any *Alteration of the Government*; either in Church or State: Now then, the Test it self obliges not against an *endeavouring an alteration in the Government*, but of the *Government*: The Earl neither looks upon himself as bound to make alteration *either in the Government, or of the Government*; but only to endeavour alteration *for the Advantage of both*; and yet the Charge would insinuate, that he had reserved to himself a latitude and liberty by his Interpretation to make an *Alteration of the Government it self*: There may be some Alteration made in a *Government*, which is no Alteration of the *Government*, the species, or kind, or Government, may continue the same, and yet there may be some Amendments in particular contrived, but however the Earl reserves to himself a power only to make Alteration for the *Advantage of the Government, in Church and State*, which may be done, and his ends answered without any Alteration *in, or of the Government*. A House may be repaired, a rotten Beam removed, a sound one inserted, and yet the Model, the Ground-plot, the Foundation, Walls, Roof continue the same.

And therefore the close of the Charge is most horrid: *Yet you not only declared your self, but by your Example invited others to think themselves loosed from that Obligation, and that is free for them to make any Alteration in either as you think fit*: To which surely the Earls Counsel would answer. 1. That the Earl never pretended to be at liberty to make any Alteration as he should think fit. But as he thought for the *Advantage of Church and State*; where he does not limit himself by his own *thinkings*, but the Churches and States Advantage and Benefit. 2. That he invited others by his Example to do the same, is not cautiously spoken; so he declared for himself, he explained the Oath for himself, and for himself only, and if any other should follow his precedent Example, that is but a contingency, and to be made a Traitor for the contingent Issues of a Mans Words or Actions, is something, for which civilized Nations want a Name. 3. As the Earl is charged with these High Crimes, so the *Instigating Clauses*, with which he mollified all harshness of expression, and endeavoured to prevent misconstruction are utterly omitted, as that he would not bind up himself in his Station, and in a lawful way to endeavour such Alterations, and that he foreprized out of those Alterations all evil ones, and yield himself to such, and such only, as might be for the Advantage of Church and State, and such as were repugnant to his Loyalty (as a Subject) and the Protestant Religion (as a Christian.)

(9) The last part of the Charge is, that he concluded with these Words. [*And this I understand as a part of my Oath.*] Upon which words the Advocate General descants, with great conceit no doubt of his own abilities. Which (says he) is not only an *Innovation upon the Legislative Power*, as if it were lawful for you, to make to your self any Act of Parliament, since he that can make any part of an Act can make the whole Power and Authority in both being the same, and now we expected a *Burr*. 'Tis not only so and so, but nothing. Yet if it be so though not also, it's enough to hang many a Man, but what if it be not so? Then here's a long Charge without matter. But I suspect that Integrity of the Prints, else of the sense of the Acts beyond Timeed be no more intelligible than this last Clause, they must either be explained, or never obeyed by any that are not resolved to rush through thick and thin. He that interprets an Oath, supposes that his Interpretation is a part of the Oath, but not an *additional part*, or a part of his own adding, but such a part as really and in Truth is within the Act it self, and only wants some Will and Wisdom to draw it out: The sense of the Law is the Law, for Letters, Syllables, Words, without meaning can be no Law to the Subject, no more than Scotch Men can dance to their own Bag-pipes, when they give an indistinct and uncertain Sound: If then the sense and meaning be obscure, and the Subject shall tell what he thinks in the Case, they

they are either to refuse the sense, or accept it; if they accept it 'tis their sense, or rather the sense of the Law, not the private persons; if they reject it, there is no harm done, but the vexation of a poor Man for not swearing he knows not what.

C H A P. VII.

Of the Earl of Argyles Tryal, His Speech and Conviction.

UPon Munday the 12th. of December, 1681. The Day of his Compearance, the Lords of Justiciary being Assembled in the Morning, before Ten, the Earl was brought to his Pannel; in the first place the Lord Advocate produced his Commission from His Majesty, and the Council for the prosecution of the said, which (as he said) he resolved to do with the greatest Moderation of Spirit imaginable; the Libel, Charge, or Indictment was then Read, founded on several Statutes, against Leising-making, and misrepresenting the Kings, and Parliaments meanings, as more at large is to be seen in the Indictment itself to which the Reader is referred: Hereupon the Earl made an Elegant Speech in Vindication of himself, wherein he gives a short Narrative of his Life, his Loyalty, but because we may wrong the Speech itself by our Abbreviation, let the Reader peruse the Speech itself.

*The Speech of the Earl of ARGYLE at his Trial on the
12th. of December 1681.*

My Lord Justice General and Remanent Honourable Lords of Justiciary

I Look upon it as the undoubted privilege of the meanest Subject, to explain his own words in the most benign Sense.

And even when persons are under an evil Character, the misconstruction of words, in themselves not ill, can only amount to presumption, or aggravation, and not a Crime. But it is strangely alledged (as well as impossible to make any that knows me believe) that I could intend any thing, but what was honest and honourable, suitable to the principles of my Religion and Loyalty, though I did not explain myself at all.

My Lord, pray be not offended, that I take up a little of your time to tell you, I have from my youth made it my business to serve his Majesty faithfully; and have constantly to my power, appeared in his Service, especially in all times of difficulty; and have never joyned, nor complied with any Interest or party, contrary to his Majesties Authority, but have all along served him in his own way, without a frown from his Majesty these thirty years.

As soon as I passed the Schools and Colledges, I went to travel to France and Italy in the beginning of the year 1647. and continued abroad till the end of the year 1649.

My first appearance in the World, was to serve his Majesty, as Collonel of his Footguard; and though at that time all the Commissions were given by the then Parliament, yet I would not serve without a Commission from his Majesty, which I have still the Honour to have by me.

After the misfortune of Worcester, I continued in Arms for his Majesties service, when Scotland was over run with the Usurpers, and was alone with some of my Friends in Arms, in the year 1652. And did then keep up some appearance of Opposition to them by taking several of the Castles they had Garrisoned in Argyle-shire; and taking and killing three hundred of them in one day. After which, I joyned with those his Majesty had Commissioned, and stood out to the last; till the Earl of Middleton his Majesties Lieutenant General gave me order to capitulate, which I did without any other engagement to the Rebels, but bail to live peaceably; and did at my capitulating, relieve several Prisoners by exchange, whereof my Lord Granard out of the Castle of Edinburgh was one.

Is it not well known that I imprisoned by the Usurpers, who was so jealous of me, that contrary to their faith, they seized on me, and kept me from prison to prison, till his Majesties happy Restauration, only because I would not engage to serve him, though there was no Oath required?

I do with all Gratitude acknowledge his Majesties Bounty and Royal Favours to me when I was pursued before the Parliament in the year 1662. His Majesty was graciously pleased not to let me down in any opprobrious way, but upon a bare verbal Bail, upon which I came down Post, and presented myself a fortnight before the time; and having satisfied his Majesty at that time, of my entire Loyalty, I did not offer to plead
by

by Advocates, and his Majesty was not only pleased to pardon my Life, and to restore me to a Title and Fortune, but to put me in trust in his Service in the most eminent Judicatories of the Kingdom, and to heap Favours upon me beyond whatever I did, or can deserve, though I hope his Majesty hath always found me faithful and thankful; and ready to bestow all I have, or can have, for his Service; and I hope he never had, nor never shall have ground to repent any Favour he hath done me: If I were now guilty of the four Crimes libelled I should think my self a great Villain.

In the Prosecution of the Story of my Life in the year 1666. when the Rebellion broke out, that was repressed at *Pentland Hills*, upon a bare Advertisement from the now Lord Archbishop of *St. Andrews*, without any order either from the Council or General; the intercourse being stopped, did I not bring together about two thousand Men, and sent a Gentleman to General *Datlyel*, offering to joyn with him, if the Rebellion had not presently been happily crushed? And when I met with considerable trouble from my Neighbours rebelliously in Arms, and had Commissions both in publick and private accounts, have I not carried dutifully to his Majesty, and done what was commanded with a just Moderation, which I can prove under the Hands of mine Enemies, and by many infallible Demonstrations.

Pardon me yet a few words. Did I not in this present Parliament shew my readiness to serve His Majesty and the Royal Family in asserting vigorously the Lineal Legal Succession of the Crown, and had a care to have it expressed in the Commissions of the Shires and Boroughs in which I had interest? Was I not for offering proper supplies to his Majesty and his Successor? And did I not concur to bind the Landlords for their Tenants, though I was mainly concerned? And have I not always kept my Tenants in obedience to his Majesty?

I say all this not to arrogate any thing to my self for doing what I was in Honour and Duty bound to his Majesty; but if after all this, upon no other ground, but words that were spoken in absolute Innocence, and without the least design, except for clearing my own Conscience, and that are not capable of the ill sense wrested from them by the Libel, I should be further troubled, what assurance can any of the greatest Quality, Trust, or Innocence have, that they are secure, especially considering, that so many scruples have been started, as all know, not only by many of the Orthodox Clergy, but by whole Presbyteries, Synods, and some Bishops, which were thought so considerable, that an eminent Bishop did take the pains to write a Treatise (which was read in Council, and allowed to be Printed, and a Copy given to me,) which contains expressions that may be stretched to a worse sense than I am charged for. Have I not shewed my Zeal to all the ends of the Test? How then can it be imagined, that I have any sinister design in any thing that I have said? If I had done any thing contrary to the whole course of my life, which I hope shall not be found, yet one Act might pretend to be excused by a Habit. But nothing being questioned but the sense of words misconstrued to the greatest height, and stretched to imaginary inclinations, quite contrary to my scope and design; and so far contrary, not only to my sense, but Principles, Interest and Duty, that I hope, my Lord Advocate will think he hath gone too far in this Process, and say plainly, what he knows to be true, by his acquaintance with me, both in publick and private, that I am neither *Papist* nor *Phanatick* but am truly Loyal in my Principles and Practice.

The hearing of this Libel would trouble me beyond most of the Sufferings of my Life, if my Innocence did not support me, and the hopes of being Vindicated of this and other calumnies before this Publick and Noble Authority.

I leave my Defences to these Gentlemen that plead for me: They know my Innocence, and how groundless that Libel is. I shall only say, as my Life has been most of it spent in serving and suffering for his Majesty, so whatever be the event of this Process, I resolve, while I breath, to be Loyal and Faithful to his Majesty; and whether I live publickly, or in obscurity, my Head, my Heart, nor my Hand, shall never be wanting where I can be useful to his Majesties Service; and while I live, and when I dye, I shall pray, that God Almighty would bless his Majesty with a long, happy and prosperous Reign, and that the Lineal Legal Successors of the Crown, may continue Monarchs over all His Majesties Dominions, and be Defenders of the True, Primitive, Christian, Apostolick, Catholick, Protestant Religion, while Sun and Moon endure.

THE Earl gave into the Court a Letter under the Kings Hand (if not written wholly with His Majesties own Hand) wherein His Majesty declares his great confidence in the said Earl; and another by the Earl of *Middleton* to the same effect; *Argyle* desired they might be recorded, which was not granted, yet it was agreed that they should be read, after this Sir *George Lockhart* answered the Libel, and for about three hours time laboured to prove the Irrelevancy, alledging that it was impossible that a Mans exonerating of his Conscience, could be *Leasing making*; or that his declared private meaning could give

Laws

Laws, to others, and so come under the Statute against private Mens making Laws to begger misunderstanding betwixt the King and his People. The Kings Advocate, answered to his Pleadings, and laboured to support and back the Libel; Sir George Lockart replied upon him, and it was thought by many intelligent Persons there present, that he had cleared up matters beyond all possibility of a Rejoynder.

Sir John Dalrimple made a very excellent Discourse of the nature of Oaths, thus were matters argued *pro* and *contill* about nine a clock at night; when all Persons were dismissed, except the Lords of *Jusiciary*, who sat till near two a Clock in the Morning, to discuss the Relevancy: upon Tuesday in the Afternoon, the Lords declared the Defences Relevant, as to the Earl in respect of the Perjury (of which it seems he was also indicted) but they rejected all his Defences, Duplies, &c. as to *High-Treason* and *Leasing making*.

The Kings Advocate then proceeded to the proof of the *Fact*, it was proved that he gave in that Paper; by the Depositions of the Clerks of the Council, and the Laird of *Landie*, 'tis reported that two of the Lords of *Jusiciary* dissented in the Relevancy.

And now they proceed to swear the Inquest, being these select Persons, out of 48, that were in the Pannel.

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|--------------------------|-----------------------|------------------------|
| 1. Marquels of Montross. | 6. Earl of Perth. | 11. Lord Brant Island. |
| 2. Earl of Linlithgow. | 7. Earl of Dalbushie. | 12. Laird Gossford. |
| 3. Earl of Roxborough. | 8. Earl of Middleton. | 13. Laird Ballymain. |
| 4. Earl of Dumfries. | 9. Lord Sinclair. | 14. Park Gourdon. |
| 5. Earl of Airlie. | 10. Lord Lindores. | 15. Laird Claverhouse. |

The Lord Justice General demanded of the Earl if he would prove his defence against the Perjury, or if he would Object any thing against the witnesses or the Jurors: He answered that he had by his Advocates said enough, as he humbly conceived against the Relevancy, but since that was found against him, he would give their Lordships no further trouble either with making objections against Evidence or Jury, nor seek to purge himself of the supposed Perjury being render'd culpable of crimes of a far higher nature. And it was observed that Sir George Lockart with the rest of the Earls Council would not speak a word either to the Court or Jury, after the Paper was adjudged Treasonable; hereupon the Jury was enclosed, and after some hours retirement they returned, and brought in the Earl of Argyle guilty of the High Treasons laid to his charge.

It is said that eight or nine Advocates, who were of the Earls Council (amongst which were those two learned Persons Sir George Lockart, and Sir John Dalrimple) gave it under their Hands that the Paper given into the Council by the Earl of Argyle did not import any treasonable Matter, which Fact of theirs ('tis said) is so ill resented, that the Lords of the Privy Council have appointed the Earl of Athol, the Lord President of the Sessions, the Lord Collington, and some others, to examine what the subscribed Paper may import of scandal against the Government.

And thus have we conducted the Earl of Argyle through his Tryal to his Conviction; there now remains nothing but his Condemnation and Execution, unless His Majesty upon a mature Consideration of all circumstances shall please to grant him his gracious Pardon.

CHAP. VII.

Of the Reasons alleadged by some eminent Ministers of the Kirk of Scotland, why they refuse to take the Test-Oath.

THE Earl of Argyle is not alone in his questioning the lawfulness of taking the Oath without limitations, and due clauses, for I find many eminent persons amongst the conforming Clergy, who have met with the same, or greater Difficulties, which that I may evidence I shall faithfully give the Reader a Copy of a certain Manuscript drawn up by them in the following words.

Grounds whereupon some of the Conformed Ministers scruple to take the Test.

FIRST, passing by the Danger of Oaths, when pressed so generally, Men of the least tenderness ordinarily swallow them easily, and make small Conscience of observing them, whilst they that fear Oaths, are hardly induced to take them, and by their strict observance make themselves a prey, we think it strange that this Oath should be Injoynd to us, who cannot be suspected rationally to incline either to Phanaticism or Popery since by our Subscriptions to the Oath of Supremacy and Canonical Obedience, we have

sufficiently purged our selves of the first, and by our refusing Popish Errors daily in our Pulpits do shew an utter abhorrence of the other, and further, since meerly our owning of Episcopal Government, has begot and still increases in the minds of our people, such an Aversion from, and dislike of, us, we would have expected that our spiritual Fathers would not have exposed us to greater loathing and contempt by such Engagement; which although it should be granted to be causeless and unjust; yet we think our selves bound to shun it, that our Ministry may be the more taking with them, since the thing pressed upon us, is neither absolutely necessary, nor yet so evident in what is asserted for truth, as may encourage us for to underlay their prejudice conceived thereupon; and finally, since it is known that objoining the Covenant did hinder many Ministers to conform, and people to joyn in Ordinances dispensed by Conformists, and our Parliaments had hitherto shewed such civil Moderation as to free us from the Declaration, we cannot look at it, but as bad and fatal that our Church should be dashed on this Rock, which may occasion its splitting, and instead of quenching this former Evil, create new Flames.

Secondly, as we wish for the suppressing of the Growth of Popery, a more particular way had been made use of, even for the discovering of such, as are of no publick Trust, so we cannot but regret that this Test has been so framed, as to divide the sound sober Presbyterians amongst themselves, whereby our Common Enemies are gratify'd, and the true Faith endangered, we being perswaded that there are many Presbyterians in the Kingdom, Gentlemen, Ministers and others; Who cannot in Conscience take this Test, who yet do daily come, and are ready to joyn with us in Ordinances. We think it had been fitter to have condescended something for gaining of such, then to have put such a brand upon them, which may more alienate them, and weaken us.

Thirdly, that Confession of Faith Recorded in the first Parliament of King James the 6th. has some things in it, which may scare the Swearing to it without the Limitation, as 1st. Section the 15th. it Asserts those to be evil works, which are done not only *contra*, but *præter verbum Dei*, 2dly. Section the 25th. It asserts such as resist the Supream Power, doing that which pertains to his charge, and whilst he vigilently Travels in his Office, does resist the Ordinances of God, which Clauses may bear an enclusive sence, especially when in the 5th. Section, it is reckoned among good works to suppress Tyranny, 3dly. Section the 15th. Jesus Christ is Asserted to be the only Head and Lawgiver of his Kirk, and it is counted Blasphemy for Angels or Men to intrude themselves into the said Honour and Office; 4th. Section the 23th. on the Sacrament, Popish Baptism is denied as to its vallidity, and Popish Priests denied to be true Ministers, which expressions if narrowly scanned, will be found of dangerous Consequence, and contradictory to other Positions in the Test it self.

Fourthly, we fear that our people may look on us rather as Countenancers and Incouragers, then suppressers of Popery, seeing by the Act we are obliged to dilate yearly in October such as withdraw from our Ministry, that they may be punished by the Civil Magistrates, and yet by the same Act, the Kings lawful Brother and Sons in *perpetuum* are Exempt from taking the Test, and consequently left at liberty to be Papists or Protestants, and what bad Influence the Example may have on inferior people may easily be apprehended, and our taking the Test will be reputed an approving of that exemption, which will be more stumbling. That all former Acts against Papists were made without any Exemption, and them all declared to be disloyal, who embraced not the Reformed Religion, particularly in the 47 Act of the third Parliament of James the 6th. and the 8th. Act of the first Parliament of Charles the II.

Fifthly, we are to swear that there lies no Obligation on us by vertue of the late Covenants, or any other manner of way to endeavour the change of the Government, either in Church or State, as it is established by Law, where we suppose we are sworn not only to maintain Monarchy, but also as our Law ties us in the present line, and in the nearest a kin to our present King, although they should be Papists, altho we Judge the Coronation Oath in the 8th. Act of the 1st. Parliament of James the 6th. to be contradictory, which yet is a standing unrepealed Law, since thir current Parliament hath ratified and confirmed all Acts made in favour of the Protestant Religion, whereof this is one, so that we swear contradictions.

Sixthly, as for the Church-Government, as it is now established by Law, there hath not been, nor are yet wanting sound Protestants, who Assert the *Jus divinum* of Episcopacy, such could not in conscience take this Oath, seeing the King by vertue of his Prerogative and Supremacy is impowred by Law to dispose of the External Government and Policy of the Church, as he pleases, as for such as look upon Episcopal Government, as indifferent in it self. Notwithstanding the submission that we give to it, or have Ingaged for, they can as little swear on these terms, for why should they swear never to endeavour to alter that which in it self they look upon as alterable, there being no indifferent thing which in tract of time through the Corruption of Men, do not prove hurtful, and why might

might not men in their Station endeavour the Refreshing by fair means, any such evil, and advise his Majesty if he be willing to exert the power seded on him by the law, for freeing the Church from any Inconveniency, and altho we have engaged to obey Bishops, yet we ever did wish that they may be seded among us in a way more suitable to the primitive times, *viz.* That their number might be more encreased, that they might be called by the Church alenarly to that Office, and that they might be made liable to the Censure of the Church for their Doctrine Life and Diligence, that they might not be such pragmatistical Medlers in Civil affairs, and that Synods and Presbyteries might have more power then is Assigned them by the Act of Restitution, from the seeing a Remedy in any of which things, this Oath doth tye us up.

Seventhly, the power given to the King by the present Laws, if he should be popish should be very prejudicial to the Protestant Interest, for by the first Act of the 2d. Parliament of *Charles* the 2d. he may not only dispose of the external Policy of the Church, but may Emit such Acts concerning the Persons imployed therein, in all Ecclesiastical Meetings and Matters to be treated upon therein, which he shall think fit, and this Act only published are to oblige all his Subjects, and by the Act for a National Synod, no Doctrinal Matter may be proposed, debated or concluded in that his expresse Allowance, in the afore-said cause is easily to divine, what Advantage the Enemies of our Religion will have for the overturning of all.

Hoc Itachus velit & magno merientur Atride.

The Conclusion.

That nothing may be wanting to give a thorough light into this dark Affair, I thought it not amiss to recommend to the Reader,

The Act

Anent Religion, and the Test
At *Edinburgh* the last day of *August*. 1681.

ACT Anent RELIGION, and the TEST. At Edinburgh the last day of August, One thousand six hundred eighty and one.

THE WHICH DAY, Our Sovereign Lord with his Estates of Parliament, Considering That albeit, by many wholesome Laws made by his Royal Grandfather, and Father of glorious memory, and by himself in this, and His other Parliaments since His happy Restauration, the Protestant Religion is carefully Asserted, Established and Secured against Popery and Phanaticism: Yet the restless Adversaries of our Religion, do not cease to propagate their errors, and to seduce His Majesties Subjects from their duty to God, and Loyalty to his Vice-gerent, and to overturn the established Religion, by introducing their Superstitions, and Delusions, into his Church and Kingdom. And knowing that nothing can more encrease the numbers and confidence of Papists, and Schismatical dissenters, from the Established Church, then the supine neglect of putting in execution the good Laws provided against them, together with their hopes to insinuate themselves into Offices and Places of Trust and publick Employment. THEREFORE, His Majesty, from his Princely and pious zeal, to maintain and preserve the Protestant Religion, contained in the *Confession of Faith*, recorded in the first Parliament of King *James* the sixth, which is founded on, and agreeable to, the written Word of God; DOETH, with advice and consent of His Estates of Parliament, Require and Command, all his Officers, Judges, and Magistrates, to put the Laws made against Popery, and Papists Priests, Jesuits, and all persons of any other Order in the Popish Church, especially against sayers and hearers of Mass; Venders and dispersers of forbidden Books, and Resettlers of Popish Priests, and excommunicate Papists: As also, against all Phanatick Separatists from this National Church; Against Preachers at House, or Field Conventicles, and the Resettlers, and Harbourners of Preachers, who are Intercommuned; Against disorderly Baptisms, and Marriages, and irregular Ordinations, and all other Schismatical disorders, to full and vigorous execution, according to the Tenor of the Respective Acts of Parliament thereanent provided: And that His Majesties Princely care to have these Laws put in execution, against those Enemies of the Protestant Religion, may the more clearly appear: HE DOETH, with advice and consent foresaid, STATUT and ORDAIN, that the Ministers of each Paroch give up in *October* yearly, to their respective Ordinaries, true and exact lists of all Papists, and Schismatical withdrawers from the publick Worship, in their respective Paroches; which lists are to be subscribed by them, and that the Bishops give in a double of the said Lists subscribed by them, to the respective Sheriffs, Stewards, Bailies of Royalty, and Regality, and

and Magistrates of Burghs. To the effect the said Judges may proceed against them according to Law: As also, the Sheriffs, and other Magistrates foresaid, are hereby ordained to give an account to His Majesties Privy Council in *December* yearly, of their proceedings against those Papists, and Phanatical Separatists, as they will be answerable at their highest peril. And that the diligences done by the Sheriff, Bailies of Regalities, and other Magistrates foresaid, may be the better enquired into by the Council, the Bishops of the respective Diocesses, are to send exact doubles of the Lists of the Papists and Phanatics, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges foresaid, may be controlled and examined. And to cut off all hopes from Papists and Phanatics of their being employed in Offices and Places of publick Trust, IT IS HEREBY STATUT and ORDAINED, that the following Oath shall be taken by all persons in Offices and Places of publick Trust, Civil, Ecclesiastical and Military, especially by all Members of Parliament, and all Electors of Members of Parliament, all Privy Counsellors, Lords of Session, Members of Exchequer, Lords of Justiciary, and other Members of these Courts; all Officers of the Crown and State; all Arch-Bps and Bps, and all Preachers and Ministers of the Gospel whatsoever; all persons of this Kingdom, named or to be named Commissioners for the Borders; all Members of the Commission for Church Affairs; all Sheriffs, Stewards, Bailies of Royalities and Regalities, Justices of the peace, Officers of the Mint, Commissars and their Deputs, their Clerks and Fiscals, all Advocates and Procurators before any of these Courts, all Writers to the Signet, all publick Notaries, and other persons employed in Writing or Agenting: The Lyon King at Arms, Heraulds, Persevants, and Messengers at Arms; all Collectors, Sub-collectors and Fermouters of his Majestie's Customs and Excise; all Magistrates, Deans of Gild, Councillors, and Clerks of Burghs Royal and Regality; all Deacons of Trades, and Deacon Conveeners in the said Burghs; all Masters and Doctors in Universities, Colledges, or Schools; all Chaplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia, and all other persons in publick Trust or Office within this Kingdom, who shall publickly swear, and subscribe the said Oaths as follows, *viz.* The Arch-Bishops, Chief Commander of the Forces, and Officers of the Crown and State, and Councillors, before the Secret Council: All the Lords of Session, and all Members of the Colledge of Justice, and others depending upon them, before the Session: The Lords of Justiciary, and those depending upon that Court, in the Justice Court: The Lords and other Members of Exchequer, before the Exchequer. All Bishops, before the Arch-Bishop: All the Inferior Clergy, Commissars, Masters and Doctors of Universities, and Schools, Chaplains and Pedagogues, before the Bishops of the respective Diocesses: Sheriffs, Stewards, Bailies of Royalty and Regality, and those depending on these Jurisdictions, before these respective Courts: And Provosts, Bailies, and others of the Burgh, before the Town Council: All Collectors, and Fermouters of the Kings Customs and Excise, before the Exchequer: The Commissioners of the Borders, before the privy Council: All Justices of Peace, before their Conveener; And the Officers of the Mint before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; and Common Souldiers before their respective Officers; The Lyon before the privy Council; and Heraulds, Persevants, and Messengers at Arms, before the Lyon: And His Majesty, with consent foresaid, STATUTES and ORDAINS, that all those who presently possess or enjoy any of the foresaid Offices, publick Trusts, or Employments, shall take and subscribe the following Oath, in one of the foresaid Offices, in manner before prescribed, betwixt this, and the first of *January* next, which is to be recorded in the Registers of the respective Courts, and Extracts thereof under the Clerks hands, to be reported to his Majesties privy Council, betwixt this and the first of *March* next, One thousand six hundred eighty two, and there after in any other Courts, whereof they are Judges or Members, the first time they shall sit, or exercise in any of these respective Courts: And ordains, that all who shall hereafter be promoted to, or employed in, any of the foresaid Offices, Trusts, or Employments shall at their entry into, and before their exercising thereof, take and subscribe the said Oath in manner foresaid, to be Recorded in the Registers of the respective Courts, and reported to his Majesties privy Council, within the space of forty days after the taking the same: And if any shall presume to exercise any of the said Offices or Employments, or any publick Office of Trust, within this Kingdom (the King's lawful Brothers and Sons only excepted) until they take the Oath foresaid, and subscribe it to be recorded in the Registers of the respective Courts, They shall be declared incapable of all publick Trust there after and further be punished with the loss of their Moveables, and Liferent Elcheat, the one half whereof to be given to the Informer, and the other half to belong to his Majesty, And his Majesty, with Advice afore said, recommends to his privy Council to see this Act put to due and vigorous Execution.

A SPEECH

Made by the DUKE of *Buckingham*, the First Day of the Session of the Parliament (viz.) *Thursday*, the 15th. Day of *February*, 1679. *r*

My Lords,

I Have often troubled your Lordships with my Discourse, but I confess I never did it with more trouble to my self, than at this time ; for I scarce know how to begin what I have to say to your Lordships. On the one side I am afraid of being thought an Unquiet and Pragmatical Man (for in this Age, every Man who cannot bear every thing is called Unquiet ; and he who does but ask - Questions, though about those Matters, for which he ought to be most concerned, is look'd on as Pragmatical) on the other side, I am most afraid of being thought a Dishonest Man, and of all Men, I am most afraid of being thought so by my self, for every Man is best Judge of the Integrity of his own Intentions; and though it does not always follow, that he is a Pragmatical Man whom others take to be so, yet this never fails to be true, that he is most certainly a Knave, who takes himself to be so. No body is answerable for more Understanding than God Almighty has given him, and therefore though I should be in the wrong, if I tell your Lordships plainly and truly what I am really convinced of, I shall behave my self like an honest Man : for it's my Duty so long as I have the honour to Sit in this House, to hide nothing from your Lordships, which I think may concern either his Majesty's Service, your Lordships Interest, or the good and quiet of the People of *England*.

The Question which in my Opinion does now lye before your Lordships, is not, What we are to do? but, Whether at this time we can do any thing as a Parliament? it being very clear to me that the Parliament is Dissolved. And if in this Opinion, I have the misfortune to be mistaken, I have another misfortune joyn'd to it, a desire to maintain this Argument with all the Judges and Lawyers in *England*, and leave it afterwards to your Lordships to decide whether I am in the right or no. This, my Lords, I speak not out of Arrogance, but in my own Justification, because if I were not thoroughly convinced, that what I have now to urge, was grounded on the Fundamental Laws of *England*, that the hot pressing of it at this time might prove to be of most dangerous Consequence, both to his Majesty, and the whole Nation, I should be loth to start a Notion, which perhaps may not be very agreeable to some Persons. And yet, my Lords, when I consider where I am, to whom I now speak, and what was spoken in this place about the time of the last Prorogation, I can hardly believe that what I have to say will be distastful to your Lordships : I remember very well how your Lordships were displeased with the House of Commons, and I remember too as well what reason they gave you to be so: 'Tis not so long since, but that I suppose your Lordships may easily call to mind, that after several odd Passages betwixt us, your Lordships were so incensed, that a motion was made here for an Address to his Majesty about the Dissolution of this Parliament; and though it fail'd of being carried in the Affirmative by two or three Voices, yet this in the debate was remarkable, that it prevail'd with much the Major part of your Lordships who were here present, and was only overpowered by the Proxies of those Lords who never heard the Arguments. What change there has been since, either in your behaviour, or in the state of our Affairs, which should make your Lordships change your Opinion I have not yet heard; and therefore if I can make it appear (as I presume I shall) that by Law the Parliament is Dissolved, I presume your Lordships ought not to be offended at me for it. I have often wondred how it should come to pass, that this House of Commons, in which are so many worthy Gentlemen, should yet be less respectful to your Lordships (as certainly they have been) than any House of Commons that ever were chosen in *England*. And yet if the matter be a little inquired into, the reason of it will plainly appear. For, my Lords, the very nature of the House of Commons is chang'd : They do not now think they are an Assembly that are to return to their own Homes, and become private Men again, as by the Laws of the Land, and the Ancient Constitution of Parliaments they ought to do, but they look upon themselves as a standing Senate, and as a number of Men pick'd out to be Legislators for the rest of their whole lives : And if that be the Case, my Lords, they have reason to believe themselves our Equals. But, my Lords, 'tis a dangerous thing to try new Experiments in a Government : Men do not foresee the ill Consequences that must happen, when they go about to alter those Essential parts upon

which the whole frame of the Government depends (as now in our Case the Customs and Constitutions of Parliaments) For all Governments are Artificial things, and every part has a dependence upon another ; and as in Clocks and Watches, if you should put great Wheels in the place of little ones, and little Wheels in the place of great ones , all the Fabrick would stand still : so you cannot alter any one part of a Government, without prejudicing the Motion of the whole. If this, my Lords, was well considered, People would be more cautious how they went out of the old honest *English* way and Method of proceedings. But 'tis not my business to find faults, and therefore if your Lordships will give me leave, I shall go on to shew you why, in my Opinion, we are at this time no Parliament. The ground of this Opinion of mine is taken from the Ancient and unquestionable Statutes of this Realm ; and give me leave to tell you, my Lords, by the way, that Statutes are not like Women , for they are not one jot the worse for being Old. The first Statute I shall take notice of is the 4 *Edw. 3. c. 14.* And it is thus set down in the printed Book. *Item, It is accorded, that a Parliament shall be holden every year once, and more often if need be.* Though the words be as plain as a Pike Staff, and that no man living who is not a Scholar, could possibly mistake the meaning of them, yet the Grammarians of those days did make a shift to explain that the words *if need be* did relate as well to the words, *every year once*, as to the words *more often*, and so by this Grammatical Whimsy of theirs had made the Statute to signifie just nothing at all. For this Reason, my Lords, in the 36th. of the same Kings Reign a new Act of Parliament was made, in which the unfortunate words *if need be* were left out. And that Act of Parliament is thus printed (relating to *Magna Charta*, and other Statutes made for the publick Good) *Item, for Maintenance of these Acts and Statutes, and the Redress of divers Mischiefs and Grievances which daily happen, a Parliament shall be holden every year, as another time was ordained by another Statute.* Here now, my Lords, there is not left the least hole or shadow for any further mistake, for 'tis plainly declared, that the Kings of *England* must call a Parliament once within a year, and the reasons why they are bound to do so are as plainly set down ; namely, for the maintenance of *Magna Charta*, and other Statutes of the same importance, and for preventing the Mischiefs and Grievances, which daily happen. The question then remains, whether these Statutes have been since repealed by any other Statutes or not? The only Statutes I have ever heard mentioned for that purpose are the two Triennial Bills, the one made in the last Kings, the other in this Kings Reign. The Triennial Bill in the last Kings Reign was made for the Confirmation of the two forementioned Statutes of *Ed. 3.* for Parliaments having been omitted to be called every year, according to these Statutes, a Statute was made in the last Kings Reign to this purpose, *That if the King should fail to call a Parliament according to those Statutes of Ed. 3. then the 3d. year the People should meet without any Writs at all, and choose their Parliament Men.* This way of the Peoples Choosing Parliament Men of themselves,* being thought disrespectful to the King, a Statute made this last Parliament which Repealed that Triennial Bill, and after the repealing Clause (which took notice only of the Triennial Bill made in the late King's Reign) there was in this last Statute a Paragraph to this purpose, *That because by the Ancient Statutes of this Realm, made in the Reign of Ed. 3. Parliaments are to be held very often, it would be enacted, that within 3 years after the determination of that present Parliament, Parliaments should not be discontinued above three years at most, and should be holden oftner, if need required.* There have been several half kind of Arguments drawn out of those Triennial Bills, against the Statutes of *E. 3.* which I confess I could never remember, nor indeed durst those who urged them to me, ever own them ; for they always laid their faults upon some body else, like ugly Foolish Children, of whose deformity and want of Wit their Parents are ashamed, and so turn them out to the Parish. But, my Lords, let the Arguments be what they will, I have this short answer to all that can be wrested out of these Triennial Bills ; That the first Triennial Bill was repealed before the matter now disputed of was in question, and the last Triennial Bill will be of no force till the question is decided, that is, until the Parliament be dissolved. The whole matter therefore, my Lords, is reduced to this short Dilemma, either the Kings of *England* are bound by the Acts mentioned of *E. 3.* or else the whole Government of *England* by Parliaments and by Law is absolutely at an End. For if the Kings of *England* have Power by an Order of theirs to invalidate an Act made for the maintenance of *Magna Charta*, they have also Power by an Order of theirs to invalidate *Magna Charta*; and if they have Power by an Order of theirs to invalidate an Act made for the maintenance of the Statute *de Tallagio non concedendo*, they have also Power, when they please, by an Order of theirs to invalidate the Statute itself *de Tallagio non concedendo*? And then they may not only without the help of a Parliament raise what Money they please, but also take away any mans Estate when they please. This, my Lords, I think is a Power that no Judge or Lawyer

Lawyer will pretend the Kings of *England* have; and yet this Power must be allowed them, or else we that are met here this day, cannot act as a Parliament. For we are met by virtue of the last Prorogation, and that Prorogation is an Order of the King's, point-blank contrary to the Acts of Parliament in the time of *Ed. 3.* which say, a Parliament shall be holden once a Year, whereas the Prorogation says, a Parliament shall not be holden once within a Year, but some months after; and this I conceive is a plain Contradiction, and consequently the Prorogation is void. Now if we cannot act as a Parliament by virtue of the last Prorogation; I beseech your Lordships, by what else can we act? Shall we act by virtue of the King's Proclamation? Pray, my Lords, how so? Is a Proclamation of more force than a Prorogation? Or if a thing that has been ordered the first time be not valid, does the ordering it a second time make it good in Law? I have heard indeed that two Negatives make an Affirmative, but I never heard before that two Nothings make any thing. Well, but how then do we meet? Is it by our own Adjournment? I suppose no body has the confidence to say that. Which way then is it? Do we meet here by an Accident? That I think might be granted; but an accidental Meeting can no more make a Parliament, than an accidental clapping a Crown upon a man's Head can make a King. There is a great deal of Ceremony required to give a matter of that moment a Legal Sanction. The Laws have reposed so great a Trust, and so great a Power in the Hands of a Parliament, that every Circumstance relating to their manner of Election, meeting and proceeding, is look'd after with the nicest Circumspection imaginable. For this reason the King's Writs about the Summons of Parliament are to be issued out *verbatim* according to the Form prescribed by Law, or else that Parliament is void and null. And by the same reason, if Parliaments be not legally Adjourned *de die in diem*, those Parliaments must be void and null. But some say, there is nothing in the two Acts of *E. 3.* to take away the King's power of Prorogation; and therefore the Prorogation is good. My Lords, under favour, that is a very gross mistake: For pray examine the words of the Acts; the Acts say, a Parliament shall be holden once a Year. Now to whom can these words be directed, but to them who are to call Parliaments, and who are they but the Kings of *England*? 'Tis very true, this does not take away the King's power of Proroguing Parliaments, but it most certainly limits it to be within a Year. Well then, but it is said again, If that Prorogation be null and void, things are just as they were before; and therefore the Parliament is still in being. My Lords, I confess there would be some weight in this, but only for one thing, which is, that not one word of it is true: For if when the King had prorogued us, we had taken no notice of the Prorogation, but had gone on like a Parliament, and had Adjourned *de die in diem*, then I confess things had been just as they were before. But since upon the Prorogation we went away, and took no care our selves for our meeting again, if we cannot meet and act by virtue of that Prorogation, there is an Impossibility of our meeting and acting any other way. And we may as properly say, That a Man who is killed by Assault is still alive, because he was killed unlawfully, as that this Parliament is still alive, because the Prorogation was unlawful. The next Argument to which they are reduc'd, who would maintain this to be yet a Parliament, is, That the Parliament is prorogued *sine die*, and therefore the King may call them again, by Proclamation. In the first part of this Proposition I shall not only agree with them, but also do them the favour to prove that it is so in the Eye of the Law, which I never heard they had done yet. For the Statutes say, That a Parliament shall be holden once within a Year, and the Prorogation having put them off to a Day without the Year, and consequently excepted against by the Law, that Day in the Eye of the Law is no Day at all, that is, *sine die*. And the Prorogation might as well have put them off till so many months after Dooms-day, and then I think no body would have doubted, but that it had been a very sufficient Dissolution. Besides, my Lords, I shall desire your Lordships to take notice, that in former times, the usual way of Dissolving Parliaments was to dismiss them *sine die*: For the King, when he Dissolved them, used to say no more, but that he desired them to go home till he sent for them again, which is a Dismission *sine die*. Now if there were 40 ways of Dissolving Parliaments, if I can prove this Parliament has been Dissolved by any one of them, I suppose there is no great need of the other 39. Another thing on which they insist is, That they have found a Precedent in Queen *Eliz.* time, when a Parliament was once prorogued three days beyond a Year: In which I cannot chuse but observe, that it's a very great Confirmation of the value and esteem all people ever had of the before-mentioned Acts of *Ed. 3.* since from that time to this there can but one Precedent be found for proroguing a Parliament above a Year, and that was but three days neither. Besides, my Lords, this Precedent is of a very odd-kind of nature; for it was in the time of a
very

very great Plague, when every one on the sudden was forced to run away, and so being in haste, had not leisure to calculate well the time of the Prorogation; tho' the appointing it to be within three days of the Year is an Argument to me, that their design was to keep within the bounds of the Acts of Parliament: If the mistake had been taken notice of in Queen *Elizabeth's* time, I make no question but She would have given a lawful Remedy to it. Now I beseech your Lordships, what more can be drawn from the shewing this Precedent, but only that because once upon a time a thing was done illegally, therefore your Lordships should do so again now? But, my Lords, under favour, ours is a very different case from theirs; for this Precedent they mention, was never taken notice of, and all Lawyers will tell you, That a Precedent which passeth *sub silentio*, is of no validity at all, and will never be admitted in any Judicial Court, where it is pleaded. Nay, Judge *Vaughan* says in his Reports, That in Cases which depend on Fundamental Principles, from which Demonstrations may be drawn, Millions of Precedents are to no purpose. But, say they, you must think prudentially of the mischiefs which will follow upon it; for if this be allowed, all the Acts made in that Session of Parliament will be void. Whether that be so or not, I shall not now examine; but this I will pretend to say, That no man ought to pass for a prudential person, who only takes notice of the Inconveniences on one side: 'Tis the part of a Wise Man to examine the Inconveniences on both sides, to weigh which are the greatest, and to be sure to avoid them. To that kind of Examination, my Lords, I willingly submit this Cause; for I presume it will be very easie for your Lordships to judge which of these two will be of most dangerous Consequence to the Nation; either to allow that the Statutes made in the particular Session in Queen *Eliz.* time are void, which may easily be confirmed at any time by a lawful Parliament; or to lay it down for a Maxim, That the Kings of *England* by a particular Order of theirs, have power to break all the Laws of *England* when they please. My Lords, with all the duty we owe his Majesty, 'tis no disrespect to him to say, That his Majesty is bound up by the Laws of *England*; for the great King of Heaven and Earth, God Almighty himself, is bound up by his own Decrees: And what is an Act of Parliament but a Decree of the Kings made in the most solemn manner possible, that is, with the consent of the Lords and Commons. 'Tis plain then, in my Opinion, that we are no more a Parliament. And I humbly think your Lordships ought to give God thanks for it, since it has pleas'd him, thus by his Providence to take you out of a Condition, wherein you must have been intirely useless to his Majesty, to your selves, and to the whole Nation. For I beseech your Lordships, if nothing of this I have urged were true, what honest Excuse could we find for acting again with this House of Commons, except we can pretend to such an excellent Art of Forgetfulness, as to avoid calling to mind all that passed between us the last Session, and unless we could have also a Faculty of teaching the same Art to the whole Nation. What Opinion would they have of us, if it should happen that the very same men, who were so earnest the last Session, for having the House of Commons dissolved, when there was no Question of their lawful sitting, should be now willing to joyn with them again, when without question they are dissolved. Nothing can be more dangerous to a King or a People, than that Laws should be made by an Assembly, of which there can be a doubt whether they have power to make Laws or no. And it would be in us so much the more inexcusable, if we should overlook the danger, since there is for it so easie a Remedy; a Remedy which the Law requires, and which the whole Nation longs for, the calling of a New Parliament. 'Tis that only can put his Majesty into a possibility of receiving Supplies, can secure to your Lordships the Honour of sitting in this House like Peers, and of being serviceable to your King and Country, and can restore to all the People of *England* their undoubted Right of chusing men frequently to represent their Grievances in Parliament. Without this all we could do would be in vain, the Nation might languish a while, but perish at last, or we should become a Burthen to our selves, and a Prey to our Neighbours.

My Motion therefore to your Lordships shall be, That we humbly address our selves to his Majesty, and beg of him for his own sake as well as all his Peoples sakes, to give us speedily a New Parliament, that so we may unanimously, before it be too late, use our utmost Endeavours for his Majesty's Service, and for the Safety, the Welfare and the Glory of the *English* Nation.

THE WORLDS MISTAKE IN OLIVER CROMWELL

OR, A
Short POLITICAL DISCOURSE,
SHEWING

That **CROMWELL's** Male-administration, (during his *Four Years, and Nine Months* pretended Protectorship) laid the Foundation of our present Condition, in the Decay of *Trade*.

OF all the Sins, that the Children of Men are guilty of, there is none, that our corrupt Natures are more inclinable unto, than that of *Idolatry*, a Sin, that may be towards Men, so well as other Creatures and Things; for, as that which a Man unmeasurably relies, and sets his Heart upon, is called his **GOD**, even as that which he falls down before, and worshippeth: So, when one hath the Person of another in an excess of admiration, whether for Greatness or Richness, &c. which we are subject to adore, we are said to *Idolize* him; and therefore the *Wife Venetians*, who, of all Men, are most jealous of their Liberty, considering, that as the nature of Man is not prone to any thing more than the Adoration of Men, so nothing is more destructive to Freedom, hath, for preventing the Mischiefs of it, made it unlawful, even so much as to mourn for their Duke at his death; intimating thereby, their Felicity and Safety depends not upon the uncertain Thread of any one Man's Life; but upon the Virtue of their good Laws and Orders, well executed, and that they can never want virtuous Persons to succeed: And how do such Principles in men, led by little more than Morality, reprove those, who have a great measure of Gospel-light, for their senseless excess, in their adoring the remembrance of *Cromwell*. For as the Objects of Idolatry are mistaken Creatures, or things, proceeding sometimes from self-love, so well as other Causes; so the undeserved approbation and applause, that *Cromwell's* memory seems to have with his Adherents, amounting to little less than the Idolizing of him, appears to me, to be the product of an excessive Veneration of Greatness, and a selfish Partiality towards him: For that the more honour is given to him, the more praise they think will consequently redound to them, who were his Favourites; and they fortifie themselves herein, with the Credit they say he hath abroad, though there is little in that, because the opinion that Strangers have of him, may well be put upon the account of their ignorance, in the Affairs of *England*, which Travellers do find to be so great, even amongst Ministers of State, as is to be admired. And now at this Error in Idolizing *Oliver* hath two moral Evils in it (besides the sin in it self:) The one, a Reflection upon the present times, as if the former were better than these; and the other, the unjust defrauding the *Long Parliament* of that which is due to them, to give it Idolatrously to him, to whom it doth not belong; I esteem it a Duty incumbent upon me, to discover the mistake. I am not insensible, that I shall by this, draw the envy of those upon me, who, being Jealous of their Honour, will be angry for touching them in their *Diana*; but knowing my self clear, from the Vices of envying Vertue in any, how contrary (ever he may be to me in Judgment, so well, as from being unwilling to allow every one their due Commendations, I will cast my self upon Providence, for the success of this Paper; and in reference to *Cromwell's* Government, and the present times, make some Observations relating to both, and in order thereunto shew,

First, That the Original cause of the low condition that we are now (in relation to Trade) reduced unto, had its beginning in *Oliver's* time, and the foundations of it, laid either, by his ignorant mistaking the Interest of this Kingdom, or wilfully doing it, for the advancement of his own particular Interest.

Secondly, That his time, for the short continuance, had as much of oppression and injustice, as any former times.

Thirdly and Lastly, That he never in his latter days, valued either Honour or Honesty, when they stood in the way of his Ambition; and that there is nothing to be admired in him (though so much Idolized) but that the partiality of the World, should make him so great a Favorite of Ignorance and Forgetfulness, as he seems to be.

When this late Tyrant, or Protector (as some calls him) turned out the Long Parliament, the Kingdom was arrived at the highest pitch of Trade, Wealth and Honour, that it, in any Age, ever yet knew. The Trade appeared, by the great Summs offered then for the Customs and Excise, Nine hundred thousand Pounds a Year, being refused. The Riches of the Nation, shewed it self, in the high value, that Land, and all our Native Commodities bore, which are the certain marks of Opulency. Our Honour was made known to all the World by a Conquering Navy, which had brought the proud *Hollanders* upon their Knees, to beg Peace of us, upon our own Conditions, keeping all other Nations in awe. And besides these advantages, the publick Stock was Five hundred thousand Pounds in ready Mony, the value of Seven hundred thousand Pounds in Stores, and the whole Army in Advance, some four, and none under two Months: so that though there might be a debt of near Five hundred thousand Pounds upon the Kingdom, yet met with above twice the value in lieu of it.

The Nation being in this flourishing and formidable posture, *Cromwell* began his usurpation upon the greatest Advantages imaginable, having it in his Power to have made Peace and Profitable Leagues, in what manner he had pleased, with all our Neighbours, every one courting us then, and being Ambitious of the Friendship of *England*; But as if the Lord had insatuated, and deprived him of common Sense and Reason, he neglected all our golden opportunities, misimproved the Victory God had given us over the *United Netherlands*, making Peace (without ever striking stroke) so soon as ever things came into his hands, upon equal terms with them. And immediately after, contrary to our Interest, made an unjust War with *Spain*, and an impolitic League with *France*, bringing the first thereby under, and making the latter too great for Christendom; and by that means, broke the ballance betwixt the two Crowns of *Spain* and *France* which his Predecessors, the long Parliament, had always wisely preserved.

In this dishonest War with *Spain*, he pretended and intended, to impose a belief upon the World, that he had nothing in his Eye, but the advancement of the Protestant Cause, and the Honour of this Nation; but his pretences were either fraudulent, or he was ignorant in Foreign Affairs (as I am apt to think, that he was not guilty of too much knowledge in them) for he that had known any thing of the temper of the Popish Prelacy, and the *French Court Policies*, could not but see, that the way to increase or preserve the reformed Interest in *France*, was by rendering the Protestants of necessary use to their King, for that longer than they were so, they could not be free from Persecution, and that the way to render them so, was by keeping the ballance betwixt *Spain* and *France* even, as that which would consequently make them useful to their King: But by overthrowing the ballance in his War with *Spain*, and joining with *France*, he freed the *French King* from his fears of *Spain*, enabled him to subvert all Factions at home, and thereby to bring himself into a condition of not standing in need of any of them, and from thence hath proceeded the persecution that hath since been, and still is, in that Nation, against the reformed there: so that *Oliver*, instead of advancing the reformed Interest, hath by an Error in his Politicks, been the Author of destroying it.

The Honour and Advantage he propounded to this Nation, in his pulling down of *Spain*, had as ill a foundation. For if true, as was said, that we were to have had *Ossend* and *Newport*, so well as *Dunkirk* (when we could get them) they bore no proportion in any kind, to all the rest of the King of *Spain's* European Dominions, which must necessarily have fallen to the *French King's* share, because of their joyning, and nearness to him, and remoteness from us; and the increasing of the greatness of so near a Neighbour, must have increased our future dangers. But this man, who through ignorance, is so strangely cryed up in the World, was not guilty of this Error in state only; but committed as great a selfishness, in his designing the outring of the King of *Denmark*, and setting up of the King of *Sweden*: For had the *Sweeds* but got *Copenhagen* (as in all probability, had *Oliver* lived they would have done) they had wanted nothing of consequence, but the Cities of *Lubeck* and *Dantzick* (which by their then Potency they would easily have gained); of being Masters of the whole *Baltick Sea*, on both sides, from the Sound or Mouth down to the bottom of it; by which, together with all *Denmark*, *Normay* and the *Danes*, part of *Hollstein*, which would consequently have been theirs (they then having as they still have the

the Land of *Bremen*) there would have been nothing but the small Counties of *Ouldenburg* and *East-Friesland* (which would easily have fallen into their mouths) betwixt them; and the *United Netherlands*, whereby *Sweden* would on the one side to the North and North-East, have been as great as *France* on the other, to the South and South-West; and they two able to have divided the Western Empire betwixt them.

And whereas, it had in all Ages been the Policies of the Northern States and Potentates, to keep the Dominion of the *Baltick* Sea, divided amongst several petty Princes and States, that no one might be sole Master of it; because otherwise, most of the necessary Commodities for Shipping, coming from thence and *Normy*, any one Lord of the whole, might lay up the Shipping of *Europe*, by the Walls, in shutting only of his Ports, and denying the Commodities of his Country to other States. *Cromwell*, contrary to this wise Maxim, endeavoured to put the whole *Baltick* Sea into the *Sweeds* hands, and undoubtedly had (though I suppose ignorantly) done it; if his death had not given them that succeeded him, the Long Parliament, an opportunity of prudently preventing it. For if he had understood the importance of the *Baltick* Sea to this Nation, he could not have been so impolitick, as to have projected so dangerous a design against his new *Utopia*, as giving the opening and shutting of it to any one Prince. I am not ignorant, that this Error is excused by pretending that we were to have had *Elsmore* and *Cronenburg* Castle (the first, the Town, upon the narrow entrance of the *Baltick*, called the *Sound*, where all Ships Ride, and pay Toll to the King of *Denmark*, and the latter the Fortres, that defends both Town and Ships) by which we should have been Masters of the *Sound*, and consequently of the *Baltick*; but they that know those Countries, and how great a Prince the *Sweed* would have been, had he obtained all the rest, besides these two Babels, must confess, we should have been at his Devotion, in our holding of any thing in his Countries: And farther, if the dangerous consequence of setting up so great a Prince, had not been in the case, it had been against the Interest of *England* to have had an obligation upon us, to maintain places so remote, against the enmity of many States and Princes; and that for these Reasons:

First, Because the ordinary Tolls of the *Sound*, would not have defrayed half the charge, and to have taken more than the ordinary Tolls, we could not have done; without drawing a general quarrel upon us, from most of the Princes and States of the Northern parts of *Europe*.

Secondly, Because the experience of all former times sheweth us, that Foreign Acquisitions have ever been chargeable and prejudicial to the People of *England*, as Sir *Robert Cotton* makes it clearly appear, That not only all those Pieces of *France* which belonged to us by rightful Succession; but also those we held by Conquest, were always great burthens to our Nation, and cause of much poverty and misery to the People. And it is not our Case alone, to be the worse for Conquest (although more ours than other Countries, because of the Charge and Uncertainty of the Winds and Weather, in the Transportation of Succours and Relief by Sea, which contiguous Territories, which are upon the Main are not subject to) but the Case also of (I think I may say) all other Kingdoms. In *France*, their burthens and oppressions have grown in all ages, with the greatness of their Kings: Nay, even after their last peace with *Spain*, by which they had given them peace with all the World, besides many places in the *Spanish Netherlands* and *Catalonia*, into boot: Upon which the poor People promised themselves (though vainly) an unquestionable abatement of Taxes; instead of that, they found their pressures increased daily, and their King, though over-grownly great and rich in himself, yet the people so poor, that thousands are said to die in a plentiful Year, for want of Bread to their Water, nothing being free there, but fresh Water and Air; For (except in some few privileged places) wherever they have the conveniency by their Situation of Sea-water (least they should make use of the benefit of that, which God and Nature hath given them, for saving the charge of Salt) every Family is forced to take so much Salt of the King, at his own rate (which is above ten times the price it is sold for to Strangers, for Transportation) as is judged they may spend in a year, the Lord deliver all other Countries from their Example. In *Sweden*, that King, Court and their Military Officers, are the better for their Conquests, in *Germany*, *Denmark*, *Russia*, and some places anciently belonging to *Poland*; but the Commons the worse: *Spain* is undone, by the great number of People sent thence to the *West-Indies*, which hath depopulated the Country, *France* reaping more benefit by keeping their people at home to Manufactures, than *Spain* doth by sending theirs abroad for Silver and Gold, and now, though by these instances it may appear to be the Interest of the People of other Nations, so well as ours, to live in peace, without coveting additions; yet it is more our Interest (because, by reason of our Situation, we have no need of Foreign Frontier Towns, our Ships well ordered, being better than other Princes bordering Garrisons) than any other Kingdoms to neglect especially *European* Acquisition, and Colonies, and apply our selves:

First,

First, to the improving of our own Land, of which we have more than we have People to manage.

Secondly, To the increasing our Home and Foreign Trades, for which we have natural advantages above any other Nation.

Thirdly and Lastly (by our Strength, which Trade will increase) To make use of it, together with the helps that God and Nature hath given us in our Situation, and otherwise, in keeping the Balance amongst our Neighbours; For if the Province of *Holland*, which is but four hundred thousand Acres of profitable Ground, is by the benefit of Trade able to do so much, as we experienced the last War, what might we do, if Trade were improved; who have much more advantages for it, than they have: I ascribe what was done by the *Netherlands* in the late War to the Province of *Holland*; because, that though the Provinces are Seven in number, *Holland's* due proportion of all charges, is 38 in a hundred, to all the others 41 $\frac{1}{3}$, of which 41 $\frac{1}{3}$, *Holland* gets little more than, so, honestly paid them, in so much, that it alone may be reckoned to bear four fifths in a hundred, to one fifth that all the other six bears; and how prodigious a thing is it, that *Holland*, no bigger than as before mentioned, should be able to coope with *England*, *Scotland* and *Ireland*; and that though their Charges in the late War was abundantly greater than ours, yet by their good management, to be so little the worse for it, that at the conclusion of the War, to have their Credits so high, that they could have commanded what Money they had pleased at Three in the Hundred, and all this by the meer additional benefit of Trade and good Order; and how by *Cromwell's* indifferent neglecting of Trade, and choosing War when he was in Peace, did he miss the true Interest of *England*, as by his ill founded designs, he did the Interest of the Reformed Religion; for if he had succeeded in his unjust Invasion of the *Spanish Territories* in the *West Indies* (as God seldom prospereth dishonest undertakings) it being intended for a State Acquisition, the benefit would not have been diffusive, but chiefly to himself and Favourites, and prejudicial to the people in general, though at the expence of their substance, the acquiescence would have been made: For had he met with so much success in the gaining those Countries, and in them, that plenty of Gold and Silver as he vainly hoped for, we should have been as unhappy in them (in the depopulating of our Countries, by the loss of the multitude of people that must have been sent thither, and in impoverishing our Nations by the vast charge of a continual War) as *Spain* is, and to no other end, than the making of him only Rich, able to enslave the remaining People, and to make himself absolute over them, for the preventing of which, in such Tyrants as *Cromwell*. Surely *Moses* had an eye, when he said, He should not greatly multiply Silver and Gold. And thus, as *Cromwell's* designs must, to an impartial Judgment appear to have been laid, some dishonestly, others impolitically, and all contrary to the Interest of the Kingdom, so the Issue of them was damageable to the people of *England*: As,

First, In his sudden making a Peace with *Holland*, so soon as he got the Government, without those Advantages for Trade, as they who bear them did intend to have had; as their due, and just satisfaction for their Charges in the War.

Secondly, In his War with *Spain*, by the loss of that beneficial Trade to our Nation, and giving it to the *Hollanders*, by whose hands we have (during the War) the greatest part of that Trade which we had of it, with Twenty five in the hundred profit to them, and as much loss to us.

Thirdly, By our loss in that War with *Spain*, of 1500. *English Ships*, according as was reported to that Assembly, called *Richard's Parliament*.

Fourthly, In the disgracefullest defeat at *Hispaniola* that ever this Kingdom suffered in any age or time.

Fifthly and Lastly, In spending the great Publick Stock he found, and yet leaving a vast Debt upon the Kingdom as appeared by the Account brought into *Richard's Assembly*, which had (I believe) been yet much higher, but that they who under him managed the Affairs, were a sort of People who had been long disciplined (before his time) to a Principle of Frugality, and against Cheating; though at confusing the poorer People, for their Masters benefit, some of them were grown as dexterous, as if they had been bred in the Court of *Spain*; For besides imposing *Richard* upon the People, after his Fathers death, by a forged Title, according to the very Law they took to be in being, when by his Assembly they were ordered to bring in an Account of the Receipts and Payments of the Kingdom; they made about Sixty thousand Pounds spent in intelligence, whereas it cost not above Three or Four thousand at most; and cululating the rest by these, it may well be concluded, that they were expert in their Trades.

It is confessed, that *Oliver's* Peace and League with *France*, was upon honourable Articles; but as the tottering Affairs of *France* then stood, much more could not have been sooner asked, than had; For *Mazarine*, being a Man of a large and subtle Wit, apprehending the Greatness of *England* at that time, which was then dreadful to the World, and the vast Advantages *France* would have in pulling down, by their help of *Spain*, granted

granted him, not only any thing for the present that he demanded, but disregarded also; even his Parties making their boasts of the awe he had him under, considering, that when *Cromwell* had helped him to do his Work in bringing under the House of *Austria*, and therein casting the ballance of Christendom on his side, he should afterwards have leisure to recover what then he seemed to part with: And though nothing is more ordinary than to hear Men brag, how *Oliver* Vapoured over *France*, I do esteem *Mazarine's* complying with him, for his own ends, to be the chief Piece of all his Ministry; for by that means only, and no other, is his Master become so great at this day, that no Faction at Home can disturb his Peace, nor Powers Abroad frighten him, which is more than any King of *France*, since *Charles* the Great, could say; And when his Neighbour Nations have (too late, I fear) experienced his Greatness, they will find cause to Curse the Ignorance of *Oliver's* Politicks; and therefore, when a true measure is taken of *Cromwell*, the approbation that he hath in the World, will not be found to have its Foundation in Sense or Reason, but proceeding from Ignorance and Atheism: From Ignorance, in those that take all that was done by him, as a Servant, and whilst under the Direction of better Heads than his own, to be done by him alone; and from Atheism, in those that think every thing lawful that a Man doth, if it succeed to his Advancement; but they that shall take an impartial View of his Actions whilst he was a Single Person, and at Liberty to make use of his own Parts without controule, will find nothing worthy Commendations, but cause enough from thence to observe, that the Wisdom of his Masters, and not his own, must have been that by which he first moved; and to attribute his former performances, whilst a Servant (as is truly due) to the Judgment and Subtily of the Long Parliament, under whose Conduct and Command he was. And now from *Cromwell's* neglecting to live in Peace, as if he had pleased he might have done with all the World, to the great enriching of this Nation; the improvement of our Victory over *Holland* in his Peace with them, his being the cause of the loss of our *Spanish* Trade during all his time, of the loss of 1500 *English* Ships in that War, besides, by it, breaking the Ballance of *Europe*; of the expence of the Publick Stock and Stores he found, with the contracting a Debt of Nineteen hundred thousand Pounds, according to his own Account (which, for ought I know he left behind him, but am apt to think the Debt was not altogether so great, though made so to his Son *Richard's* Assembly, as a means to get the more Money from the poorer people:) And lastly, of the dishonourable overthrow we met with at *Hispaniola*, it may well be concluded that he laid the Foundation of our present want of Trade, to what we formerly enjoyed; and that the reason why his miscarriages were not sooner under observation, is, because our Stock of Wealth and Honour at his Coming to the Government, being then unspeakably great, stifled their appearance, until having since had some unhappy additional Losses, they are now become discernable, as first Losses to a Merchant, who concealedly bears up under them, are afterwards discovered, by the addition of second Losses, that sink him: When I contemplate these great Failings, I cannot but apprehend the sad Condition any People are in, whose Governors drive on a distinct contrary Interest to theirs; for doubtless *Cromwell's* over-weening Care to secure his particular Interest against his Majesty (then abroad) and the Long Parliament, whom he had turned out, with a prodigious Ambition of acquiring a glorious Name in the World, carried him on to all his Mistakes and Absurdities, to the irreparable loss and damage of this famous Kingdom.

To prove the second Assertion, That *Oliver's* Time was full of Oppressions and Injustice, I shall but instance in a few of many Particulars, and begin with *John Lilburne*; not that I think him in any kind one that deserved Favour or Respect, but that equal Justice is due to the worst so well as the best Men, and that he comes first in order of time.

1st. *John* in 1649. was by Order of the then Parliament Tried for his Life, with an intent (I believe) of taking him away, but the Jury not finding him Guilty, he was immediately, according to Law, generously set at Liberty by those that had quarrelled enough against him. This Example in the Parliament, of keeping to the Laws in the Case of one, who was a professed implacable Enemy to them, ought to have been Copied by *Cromwell*; but on the contrary, to shew that there was a difference betwixt his and his Predecessors (the Long Parliaments) Principles, when the Law had again upon a second Tryal (occasioned by *Oliver*) cleared *Lilburne*, the Parliaments submitting to the Law was no Example to him; for, contrary to Law, he kept him in Prison, until he was so far spent in a Consumption, that he only turned him out to die.

2^{ly}. Mr. *Coyne's* Case is so notorious, that it needs little more than naming: He was a Prisoner at *Cromwell's* Suit, and being brought to the Kings Bench Bar by a *Habeas Corpus*, had his Counsel taken from the Bar, and sent to the Tower for no other reason, than the pleading of their Clients Cause, an Act of Violence, that I believe the whole Story of *England* doth not parallel.

3^{ly}. Sir *Henry Vane*, above any one Person, was the Author of *Oliver's* Advancement; and did so long and cordially Espouse his Interest, that he prejudiced himself (in the opi-

nion of some) by it, yet so ungrateful was this Monster of Ingratitude, that he studied to destroy him, both in Life and Estate, because he could not adhere to him in his Perjury and Falseness. The occasion he took was this, He appointing a publick Day of Humiliation, and seeking of God for him, invited all God's People in his Declaration, to offer him their Advice in the weighty Affairs then upon his Shoulders: *Sir Henry* taking a Rise from hence offered his Advice by a Treatise, called *The Healing Question*: But *Cromwell*, angry at being taken at his Word, Seized, Imprisoned and endeavoured to proceed further against him, for doing only what he had invited him to do; and some may think, that *Sir Henry* suffered justly, for having known him so long, and yet would trust to any thing he said.

4thly. In *Richard's* Assembly, certain Prisoners in the Tower, under the then Lieutenant, and some sent thence to *Jersey*, and other places beyond the Sea, complained of false Imprisonment. The Goaler was sent for, and being required to shew by what Authority he kept those persons in hold, produceth a Paper all under *Oliver's* own Hand, as followeth. *Sir, I pray you Seize such and such Persons, and all others whom you shall judge dangerous men, do it quickly, and you shall have a Warrant after you have done.* The nature of this Warrant was by *Richard's* Assembly debated, and having first *Richard's* own Councils Opinion in the Case, as *Serjeant Maynard*, &c. they Voted the Commitment of the Complainants to be Illegal, Unjust and Tyrannical; and that first, because the Warrant by which they were Committed, was under the Hand of the then (as they called him) Chief Magistrate, who by Law ought not to commit any by his own Warrant. Secondly, Because no Cause was shewn in the Warrant; And, Thirdly, (in the Case of those sent out of the reach of a *Habeas Corpus*, which in Law is a Banishment) because no *English* man ought to be Banished by any less Authority than an Act of Parliament. And therefore, for these Reasons, they Voted farther, that the Prisoners should be set at Liberty, without paying any Fees or Charges, but the turning out, and punishing the Lieutenant by the Assembly (for obeying so unjust a Warrant) was prevented by their sudden dissolution.

5thly. The Tyranny in the decimating a party restored to common Privileges with all others, and the publick Faith given for it, by a Law made to that end, by the then Powers in Being, is sufficiently shewed in the mentioning of it, only there is this aggravating Circumstance in it, That *Cromwell*, who was the principal Person in procuring that Law when he thought it for his Advantage not to keep it, was the only Man for breaking it: But to the Honour of his first Assembly, next following, it may be remembered, that they no sooner came together, than like true *English* men, who are always jealous of the Rights and Privileges of the People, damn'd the Act of Decimation, as an Unjust and Wicked breach of Faith.

The Third Assertion of *Cromwell's* knowing no Honesty, where he thought his particular interest was concerned, is made good; First (though therein he mistook his Interest) in his odious and unjust War with *Spain*, without the least provocations, merely out of an ambitious and covetous design of robbing that Prince of his Silver and Gold Mines, and because he judged it for his Credit to disguise his unlawful desires, he proceeded in it, by employing his Creatures in the City, to draw the Merchants to complain of Injuries done them by *Spain*, and to Petition for Reparations; but by a cross Providencer, his Project had a contrary Success; for instead of answering his seekings, the Merchants remonstrated to him, the great prejudice that a War with *Spain* would be to *England*, and shewed, That that King had been so far from Injuring us, that he had done more for Compliance, preventing a Breach with *England*, than ever he had done in favour of any other Nation; But when *Oliver* saw his Method would not take, he called the Remonstrators Malignants, and begun the War of his own accord, in which, he was highly ungrateful in designing the Ruin of that Prince, who all along had been most faithful to his Party.

Secondly, His Falseness and Ingratitude appeared superlatively in turning out his Masters, who had not only advanced him, but made themselves the more odious by their partial affection towards him, and in his doing it, with the breach of a positive negative Oath taken once a year, when made a Counsellor of State, besides the breach of all other Engagements, voluntary Imprecations, Protestations and Oaths, taken frequently upon all occasions in Discourse and Declarations; and yet further (when he had turned them out) and left them void of Protection, and exposed them to the Fury of the people, in pursuing them with false reproachful Declarations, enough to have stired up the rude Multitude to have destroyed them, where ever they had met them.

Thirdly, His want of Honour so well as Honesty, appeared yet further, in that having by a long series of a seeming pious deportment gained by his Dissimulation, good thoughts in his Masters the Long Parliament, and by his Spiritual Gifts, winding himself into so good an Opinion with his Souldiers (Men generally of plain breeding, that knew little besides their Military Trade and Religious Exercises) that he could impose, in matters of business, what belief he pleased upon them, he made use of the credit he had with each, to abuse both, by many vile Practises; for making himself popular, and the Parliament

and Army odious to one another; and because the Artifices he used are too many to innu-
merate, I shall but instance in some few, as his sly complaining Insinuations against
the Army to the Parliament, and against them to the Army: His being the chief Cause of
the Parliaments giving Rewards to his Creatures, and then, whispering Complaints a-
mongst his Officers, of their ill Husbandry: His obstructing the House in their business,
by long drawing Speeches, and other ways, and then complaining of them to his Sould-
iers, that he could not get them to do any thing that was good: His giving fair words
to every one, without keeping Promise with any, except for his own advantage, and
then excusing all with forgetfulness: And his deserting his Major Generals, in their de-
clamations, crying out most against them himself, when he only had set them at work, be-
cause questioned by his Assembly, is not to be forgotten, &c. I would not be understood
to remember any thing here in Favour of the Long Parliament, for what might be wicked
in him, might be just as to them; and though, if what he did, had been for the Restaura-
tion of his Majesty, he might have been excused, yet being for his own single Advance-
ment, it is unpardonable, and leaves him a Person to be truly admired for nothing but
Apostacy and Ambition, and exceeding Tyberius in dissimulation. I am not ignorant,
that some think it matter of praise in him, that he kept us in Peace four years, and nine
months; but that hath little in it, his Majesty having done the like, almost double his
time, since his Return, with one fifth part of that number of Souldiers which he command-
ed; though he hath also had the trouble of pressing and sometimes forcing Uniformity in
Religion, which he found under several forms; whereas *Oliver* kept the Nation purpose-
ly divided in Opinions, and himself of no declared Judgment, as the surest way of in-
gaging all several persuasions equally to him; which Artifice, together with his leaving
the Church-Lands alienated as he found them, were all the true Principles of Policy that
I know of, which he kept unto. The Honesty of these Principles, I refer to the judg-
ment of every Mans Conscience; but if we may judge of things by experience and success,
they seem to have been very happy in the World; for in comparing the Condition of the
Protestant Countries at present, to what they were in times of Popery, we shall find them
abundantly more considerable now, than formerly; for in taking a true Survey of the
Reformed Dominions, we shall discover them to bear no proportion at all in largeness to
the Popish, and that there is nothing that keeps the ballance betwixt the two parties, but
the advantages that the first hath, in being free from the bondage of the Church of *Rome*,
and the latters being under it; for as the Church of *Rome's* Mercies are (by their Princi-
ples) Cruelties, so had they power answerable to the natural richness of the Soil of
their Countries, and Extent of their Territories, they would long ere this have swallowed up
the Protestant Churches, and made Bonfires of their Members; but as God, in his Mer-
cy and Wisdom, hath by his over-ruling Hand of Providence, preserved his Church;
so for the Romish Churches inability to effect that which they have Will and Malice e-
nough to carry them on to do, they are, these natural reasons.

First, There being generally of the Popish Countries, above one Moyety belonging to
Churchmen, Monks, Friars and Nuns, who like *Droans*, spends the Fat of the Land,
without contributing any thing to the good of Mankind, renders them much the less
considerable.

Secondly, Marriage being forbidden to all these Sorts and Orders, occasions great want
of People every where (they being incapable of any Children but those of darkness)
except in *France*, which is an extraordinary Case, proceeding partly by not being so subject
to *Rome*, as other Countries of that Belief are; but especially from the Multitude of Pro-
testants that are among them.

Thirdly, The blind Devotion of these People, carrying them on to vast Expences, in
the building and richly adorning of many needless and superfluous Churches, Chapels and
Crosses, &c. with the making chargeable Presents by the better, and Pilgrimages by the
meaner Sort, to their Idols, keeps all degrees under.

Fourthly, The many Holy-Days, upon which, the labouring Man is forbidden to work,
adds much to their Poverty.

But *Fifthly* and *Lastly*, The vast number of begging *Friars*, who living idly, and purely up-
on the sweat of other mens brows, without taking any labour themselves, makes it impos-
sible, for the lower sort of People, who think they are bound in Conscience to relieve
them, ever to get above a mean Condition; now whosoever shall seriously weigh and pon-
der these circumstances, under which the Popish Countries lies, and consider the Reform-
eds advantage in being free from them, must confess it the less wonder, that the Evange-
lical Princes and States, with their small Dominions, compared to the others great,
are able to bear up against them; and now as the alienation of Church-Lands, the turning
out the Romish Vermin, the Priests, Monks, Friars and Nuns (who devour all Countries
where-ever they come) and Freedom from the Popish Imposition upon Conscience, hath
mightily encreased the greatness of the Protestant Princes and States, to what they ancient-
ly were, and the not doing the same in the Popish Countries, keeps those Princes under;

so, even amongst the Reformed, where the Church-Lands are most alienated, and Liberty of Conscience most given, they prosper most, as in *Holland*, and some parts in *Germany*, with other places. And on the contrary *Denmark*, where Church-Lands are least alienated of any of the Reformed Countries, and the City of *Lubeck*, where, of all the free Imperial Cities of *Germany*, Liberty of Conscience is least given, they thrive least in both places. And I think it will also hold, that as this famous Kingdom, in the times of Popery, was in no measure so formidable as now it is; so before the Restauration of our Hierarchy to their Lands, their hoarding up the Money which before went in Trade, and their discouraging and driving into Corners the industrious sort of People, by imposing upon their Consciences, it flourished more, as richer and fuller of Trade, than now it is; and I dare undertake to be a Prophet in this, That if ever any Protestant Country should be so far forsaken of the Lord as to be suffered to turn unto Popery, these Observations will be made good in their visible loss of the Splendor, Riches, Power and Greatness, that they now know.

Had *Cromwell* been a Person of an open prophane Life, his Actions had been less scandalous; but having been a professor of Religion, they are not to be pleaded for, neither can it be consistent with Religion to palliare them which have been of so much offence, and (as may be feared) made so many Atheists in the World; and I cannot but stand amazed, when I hear him extolled by some, not ignorant of his Practises, knowing in Religion, and (as I hope) fearing God.

Now I will suppose I may be suspected to have been injured, or disoblged by *Oliver*; but I can with Truth affirm, I never received either Good or Evil from him in all my Life, more than in common with the whole Kingdom (which I think may be allowed to render me the more a Competent Judge in his Case;) and that I am so far from being moved unto this, out of any quarrel to him, that, as I have here mentioned, some few of many Injustices, and State-Errors, that he was guilty of in his short time, If I were conscious of any thing more, during his Protectorship, worthy applause, than I have here mentioned, I should not envy him, but freely remember it; and if any think I have not said enough on his behalf, and too much to his disadvantage, I have this for my Buckler, that I wish I could have said more for him; and had known less against him; professing, That besides what I have here hinted, I am wholly ignorant of any one Action in all his Four Years and Nine Months time, done either Wisely, Vertuously, or for the Interest of this Kingdom; and therefore that I am none of his Admirers, I ought to be pardoned by my Readers.

Much more might be said upon this Subject, but this may suffice to shew, That if *Mazurine* (at the hearing of *Oliver's* Death) thought he had then reason for calling him a Fortunate Fool, if he were now living he would find more cause for it; *Cromwell's* Lot, as to Reputation, having been exceedingly much greater since his death, than whilst he was in the World: And that from forgetfulness of his impolitic Government (from whose Entrance we may date the commencement of our Trades decay, and though want of memory) in mens giving to him the Cause of our former Wealth and Prosperity, which truly belongeth to others. But what opinion soever *Mazurine* may have had of *Oliver*, he was without all peradventure a Person of more than ordinary Wit, and no otherwise a Fool than as he wanted Honesty; no Man being Wise but an Honest Man.

THE

T H E
 Duke of Buckingham's
 S P E E C H
 In a Late
 C O N F E R E N C E.

Gentlemen of the House of Commons,

I Am Commanded by the House of Peers, to open to you the Matter of this Conference; which is a Task I could wish their Lordships had been pleased to lay upon any body else, both for their own sakes and mine: Having observed in that little experience I have made in the World, there can be nothing of greater Difficulty, than to Unite Men in their Opinions, whose Interests seem to disagree.

This, *Gentlemen*, I fear is at present our Case; but yet I hope when we have a little better considered of it, we shall find that a greater Interest does oblige us at this time, rather to joyn in the Preservation of both our Privileges, than to differ about the violation of either.

We acknowledge it is our interest to defend the Right of the Commons; for, should we suffer them to be oppress'd, it would not be long before it might come to be our own case; and I humbly conceive it will also appear to be the interest of the Commons, to uphold the Privilege of the Lords, that so we may be in a Condition to stand by and support them.

All that their Lordships desire of you upon this occasion, is, That you will proceed with them as usually Friends do, when they are in dispute one with another; That you will not be impatient of hearing Arguments urged against your Opinions, but examine the Weight of what is said, and then impartially consider which of us two are likeliest to be in the wrong.

If we are in the wrong, we and our Predecessors have been so for these many hundred of years, and not only our Predecessors, but yours too: This being the first time that ever an Appeal was made in point of Judicature, from the Lords House to the House of Commons. Nay, those very Commons which turn'd the Lords out of this House, though they took from them many other of their Privileges, yet left them the constant practice of this till the very last day of their Sitting. And this will be made appear by several Presidents these Noble Lords will lay before you, much better than I can pretend to do.

Since this business has been in Agitation, their Lordships have been a little more curious than ordinary, to inform themselves of the true nature of these Matters now in Question before Us; which I shall endeavour to Explain to you, as far as my small Ability, and my Aversion to hard words will give me leave. For howsoever the Law to make it a Mystery and a Trade, may be wrapt up in Terms of Art, yet it is founded in Reason, and is obvious to Common Sense.

The Power of Judicature does naturally descend, and not ascend; That is, no Inferiour Court can have any Power which is not derived to it from some Power above it.

The King is by the Laws of this Land, Supreme Judge in all Causes Ecclesiastical and Civil. And so there is no Court, High or Low, can Act but in Subordination to him? And though they do not all issue out their Writs in the Kings Name, yet they can issue out none but by Vertue of some Power they have received from Him.

Now every particular Court has such particular Power as the King has given it, and for that reason has its bounds: But, the Highest Court in which the King can possibly Sit, that is, his Supreme Courts of Lords in Parliament, has in it all his Judicial Power, and consequently no bounds, I mean no bounds of Jurisdiction; for the highest Court is to Govern according to the Laws as well as the Lowest.

I suppose none will make a Question, but that every Man and every Cause, is to be tryed according to *Magna Charta*; that is, by Peer, or according to the the Laws of the Land. And he that is tryed by the Ecclesiastical Courts, the Court of Admiralty, or the High Court of Lords in Parliament, is tryed as much by the Laws of the Land, as he that is tryed by the *Kings-Bench*, or *Common-Pleas*.

When these inferior Courts happen to wrangle among themselves, which they must often do by reason of their being bound up to particular Causes, and their having all equally and earnestly a desire to try all causes themselves, then the Supreme Court is forced to hear their complaints, because there is no other way of deciding them. And this, under-favour, is an Original cause of Courts, though not of Men.

Now, These Original causes of Courts, must also of necessity induce Men for saving of charges, and dispatch sake, to bring their Causes Originally before the Supreme Court. But then the Court is not obliged to receive them, but proceeds by Rules of Prudence, in either retaining or dismissing them as they think fit.

This is, under-favour, the summ of all that your Precedents can shew us, which is nothing but what we practice every day; That is, that very often, because we would not be molested with hearing too many particular Causes, we refer them back to other Courts. And all the Argument you can possibly draw from, will not in any kind lessen our power, but only shew an unwillingness we have to trouble our selves often with matters of this Nature.

Nor will this appear strange, if you consider the Constitution of our House, it being made up partly of such whole Employments will not give them leisure to attend the hearing of Private Causes, and entirely of those that can receive no profit by it.

And the truth is, the Dispute at present is not between the House of Lords, and the House of Commons, but between us and *Westminster-Hall*. For as we desire to have few or no Causes brought before us, because we get nothing by them; so they desire to have all Causes brought before them, for a reason a little of the contrary nature.

For this very reason, it is their business to invent new ways of drawing causes to their Courts, which ought not to be pleaded there. As for Example, this very cause of *Skinner* that is now before us (and I do not speak this by Roar, for I have the Opinion of a Reverend Judge in the case, who informed us of it the other day in the House.) They have no way of bringing this cause into *Westminster-Hall* but by this Form; the reason and sense of which I leave to you to judge of.

The Form is this, That instead of speaking as we ordinary Men do that have no Arr, that Mr. *Skinner* lost a Ship in the *East-Indies*; to bring this into their Courts, they must say, That Mr. *Skinner* lost a Ship in the *East-Indies*, in the Parish of *Islington*, in the County of *Middlesex*.

Now some of us Lords, that did not understand the refinements of this Style, began to examine what the Reason of this should be; and so we found that since they ought not by right to try such Causes, they are resolved to make bold, not only with our Privileges, but the very Sense and Language of the whole Nation.

This I thought fit to mention, only to let you see that this whole cause, as well as many others, could not be tryed properly in any place but at our Bar; except Mr. *Skinner* would have taken a fancy to try the Right of Jurisdiction between *Westminster-Hall* and the Court of Admiralty, instead of seeking Relief for the injuries he had received in the place only where it was to be given him.

One thing I hear is much insisted upon, which is, the Tryal without Juries, to which I could Answer: That such Tryals are allowed of in the *Chancery* and other Courts; and that when there is occasion for them, we make use of Juries too, both by directing them in the *Kings-Bench*, and having them brought up to our Bar.

But I shall only crave leave to put you in mind, That if you do not allow us in some Cases, to try Men without Juries, you will then absolutely take away the use of Impeachments, which I humbly conceive you will not think proper to have done at this time.

To the Right Honourable, the Lords Spiritual and Temporal, in *PARLIAMENT* Assembled: The Humble Pétition and Address of *EDWARD* Earl of *CLARENDON*.

May it please your Lordships:

I Cannot express the insupportable trouble and grief of mind I sustain under the apprehension of being misrepresented to your Lordships. And when I hear how much of your Lordships time hath been spent upon the mention of Me, as it is attended with more publick consequence, and of the difference in opinion, which have already, or may probably arise, betwixt your Lordships and the Honourable House of Commons, whereby the great and weighty Affairs of the Kingdom may be obstructed, in a time of so general dissatisfaction, I am very unfortunate to find my self to suffer so much under two very disadvantageous Reflections, which are in no degree applicable to Me.

The first, *From the greatness of my Estate and Fortune, collected and made in so few years; which if it be proportionable to what is reported, may give reasonable cause for my Integrity to be suspected.*

The second, *That I have been the sole Manager and chief Minister of all the Transactions of State, since the King's Return into England, to August last; and therefore that all Miscarriages and Distortures ought to be imputed to me and to my Counsellors.*

Concerning my Estate, your Lordships will not believe that after Malice and Envy hath been so inquisitive, so sharp-sighted, I will offer any thing to your Lordships, but what is exactly true: And I do assure your Lordships in the first place, That (excepting the King's Bounty) I have never received or taken one penny, but what was generally understood to be the just and lawful Perquisites of my Office, by the constant practice of the best of Times, which I do (in my own Judgment) conceive to be that of my Lord *Coventry*, and my Lord *Ethelmere*, the Practice of which I constantly observed, although the Office in both their times was lawfully worth double to what it was to me, and I do believe now is.

That all the Courtships and Favours which I have been able to obtain from the King, or other Persons, in Church, State, or *Westminster Hall*, have never been worth me five pounds; so that your Lordships may be confident I am as innocent from corruption, as from any disloyal thoughts, which after near thirty years service of the Crown, in some difficulties and distress, I did never suspect would have been objected to me in mine Age. And I do assure your Lordships, and will make it very manifest, that the several Sums of Money, and some parcels of Land, which His Majesty hath bountifully bestowed upon me since His Return into England, are worth more than all I have amounts unto; so far I am from advancing my Estate by any indirect means. And though this Bounty of His Majesty hath very far exceeded my Merits, or my Expectations; yet some others have been as fortunate, at least in the same Bounty, who had as small pretences to it, and have no great reason to envy my Condition.

Concerning the other imputation of the Credit and Power of being Chief Minister, and so, causing all to be done that I had a mind to do; I have no more to say than, That I had the good Fortune to serve a Master of very great Judgment and Understanding, and to be always joyned with persons of great Ability and Experience, without whose Advice and Concurrence, never any thing hath been done.

Before his Majesty's coming into England, he was constantly attended by the Marquess of *Ormond*, the late Lord *Culpepper*, and Mr. Secretary *Nicholas*; who were equally trusted with my self, and without whose joint Advice and Concurrence, when they were all present (as some of them always were) I never gave any Counsel.

As soon as it pleased God to bring his Majesty into England, he established his Privy Council, and shortly out of them a number of Honourable Persons of great Reputation (who for the most part are alive still) as a Committee for foreign Affairs, and consideration of such things, as the nature of them require much secrecy: And with these persons he vouchsafed to joyn me, and I am confident the Committee never Transacted any thing of moment (his Majesty being always present) without presenting the same to the Council Board: And I must appeal to them concerning my Carriage, and whether we were not all of one mind in all matters of Importance: For more than two years I never knew any difference in the Councils, or that there were any complaints in the Kingdom; which I wholly impute

to his Majesty's great Wisdom; and the intire concurrence of his Council; without the vanity of assuming any thing to my self: **And therefore, I hope I shall not be singly charged with any thing that hath since fallen out Amis.**

But from the time that Mr. Secretary *Nicholas* was removed from his place, there were great alterations; and whosoever knew any thing of the Court or Council, knew well how much my credit since that time hath been diminished (though his Majesty graciously vouchsafed still to have my Advice in most of his Affairs.) Nor hath there been from that time to this, above one or two persons brought into the Council, or preferred to any considerable Office in the Court, who have been of my intimate acquaintance, or suspected to have any kindness for me; but most of them known to have been very long my enemies, and of different Judgment and Principles from me, both in Church and State; and who have taken all opportunities to have lessened my credit to the King; and with all other Persons by misrepresenting, and misreporting all that I said or did: And perswading men that I had done them some prejudice with his Majesty, or cross them in some of their pretences; though his Majesty's Goodness and Justice was such, that it made little impression upon him.

In my humble opinion, the great misfortune of the Kingdom have proceeded from the War, to which it was notoriously known, that I was always most averse; and may, without vanity say, I did not only foresee, but I did declare the mischiefs we should run into, by entering into War before any Alliance with the Neighbour Princes: And that it may not be imputed to his Majesty's want of care, or the negligence of his Councillors, that no such Alliances were entered into; I must take the boldness to say, That his Majesty left nothing unattempted in order thereunto: And knowing very well that *France* resolved to begin War upon *Spain* as soon as his Catholick Majesty should depart this World; which being much sooner expected by them, they had two Winters before been at great charge in providing plentiful Magazines of all provision, upon the Frontier, that they might be ready for the War: His Majesty used all possible means, to prepare and dispose the *Spaniards* with that apprehension, offering his friendship to that degree, as might be for the security and benefit of both Crowns: But *Spain*, flattering it self that *France* would not break with them; at least that they would not give them any cause, by administering matter of Jealousie to them; never made any real approach towards Friendship with his Majesty, but both by their Ambassadors here, and to his Majesty's Ambassadors at *Madrid*, always insisted as Preliminaries, upon the giving up of *Dunkirk*, *Tangier* and *Jamaica*:

But *France* had an Ambassador here, to whom a *Projetto* for a Treaty was offered, and the Lord *Holt* his Majesty's Ambassador at *Paris* used all endeavours to promote and prosecute the said Treaty, yet it was quickly discerned that the principal design of *France*, was to draw his Majesty into such a nearer Alliance, as might advance the design, without which, they had no mind to enter into the Treaty proposed.

And this was the state of Affairs, when the War was entered into with the *Dutch*, from which time, neither concerned themselves with the making of Alliance with *England*.

As I did from my Soul abhor the entering into this War, so I never presumed to give any Advice or Counsel for the way of managing it, but by opposing any Propositions which seemed to the late Lord Treasurer, and my self, to be unreasonable; as the payment of the Seamen with Tickets; and many other particulars which added to the expence.

My Enemies took all occasions to to inveigh against me, and making Friendship with others out of the Council of more Licentious Principles, as who knew well enough how much I disliked and complained of the Liberty they took to themselves of reviling all Counsel and Councillors, and turning all things serious and secret into *Ridicule*: They took all ways imaginable to render me ungrateful to all sorts of men (whom I shall be compelled to name in my own defence) perswading those that miscarried in any of their designs, that it was the Chancellors doing; whereof I never knew any thing.

However they could not withdraw the King's Favour from me; who was still pleased to use my service with others; nor was there ever any thing done but upon the joint advice of, at least the major part of those that were concerned. And, as his Majesty commanded my service in the late Treaties, so I never gave the least advice in private, nor wrote one Letter to any person in any of those Negotiations, but upon the advice of the Council; and after it was read in Council, or at least by the King himself, and some other. And if I prepared any Instructions or Memorials, it was by the Kings command, and the request of the Secretaries, who desired my assistance: Nor was it any wish of mine own, that any Ambassador should give me account of the Transactions, but to the Secretaries, with whom I was always ready to advise: Nor am I conscious to my self of ever having given advice that hath proved Mischievous or Inconvenient to his Majesty: And I have been so far from being the sole Manager of Affairs, that I have not in the whole last year, been above twice with his Majesty in any Room alone, and very seldom in the two or three years preceding.

And since the Parliament at *Oxford*, it hath been very visible, that my credit hath been little, and that very few things have been hearkened unto, which have been proposed by me, but contradicted, *eo nocem*, because proposed by me.

I most humbly beseech your Lordships to remember the Office and trust I had for seven years; in which, in discharge of my Duty, I was obliged to stop and obstruct many mens pretences, and to refuse to set the Seals to many mens Pardons, and other Grants, which would have been profitable to them which procured them; and many whereof, upon my representation to His Majesty, were for ever stopped: which naturally have raised many Enemies to me.

And my frequent concurring with the late Lord Treasurer, with whom I had the honour to have a long and a fast friendship to his death, in presenting several Excesses and Exorbitances (the yearly issue so far exceeding the Revenue) provoked many persons concerned of great power and credit, to do me all the ill-Offices they could. And yet I may faithfully say, That I never meddled with any part of the Revenue, or the Administrations of it, but when I was desired by the late Lord Treasurer to give him my assistance and advice (having had the honour to serve the Crown as *Chancellor of the Exchequer*) which was for the most part in His Majesty's presence.

Nor have I ever been in the least degree concerned in point of profit, in the letting any part of his Majesty's Revenue; nor have ever treated or debated it, but in his Majesty's presence; in which my opinion only concurred always with the major part of the Counsellors who were present.

All which, upon Examination will be made manifest to your Lordships, how much soever my integrity is blasted by the malice of those, who I am confident, do not believe themselves. Nor have I in my life, upon all the Treaties, or otherwise, received to the value of one shilling from all the Kings and Princes in the World (except the Books of the *Louvre* Print, sent me by the Chancellor of France, by that Kings direction) but from my own Master; to whose intire service, and to the good and welfare of my Country, no mans heart was ever more devoted.

This being my present Condition, I do most humbly beseech your Lordships to retain a favourable Opinion of me, and to believe me to be innocent from those foul Aspersions, until the contrary shall be proved; which I am sure can never be, by any Men worthy to be believed. And since the distemper of the Time, and the difference between the Two Houses in the present Debate, with the Power and Malice of my Enemies, who give out, That they shall prevail with his Majesty to Prorogue or Dissolve this Parliament in Displeasure, and threaten to expose me to the Rage and Fury of the People; may make me looked upon as the Cause which obstructs the King's Service, and the Unity and Peace of the Kingdom: I most humbly beseech your Lordships, that I may not forfeit your Lordships Favour and Protection, by withdrawing my self from so powerful a Persecution; in hopes I may be able by such withdrawing, hereafter to appear, and make my Defence: When his Majesty's Justice, to which I shall always submit, may not be obstructed nor controuled by the Power and Malice of those who have sworn my Destruction.

A BRIEF
HISTORY
OF THE
SUCCESSION,



Collected out of the RECORDS, and the most
Authentick HISTORIANS.

MEN generally, at present, busie themselves in discoursing about the Succession, and therefore cannot but be pleased to have a short History of it set before them: For by seeing how the Crown has descended, and in what manner, and upon what grounds the natural Course of the Descent hath been changed, they will be enabled to judge what has been the Opinion of all Ages, in this so controverted a Point, and thereby may safely direct their Own.

Nothing certain has come down to us of the Nature of the Government of this Island before the Romans came hither; only this we learn from *Cæsar* and *Strabo* and *Tacitus*, That the Britains were subject to many Princes and States, not confederate, nor consulting in common, but always suspecting, and frequently warring with one another.

During the *Heptarchy*, whilst every Kingdom was govern'd by different Laws, we cannot think they agreed in one Rule of Succession: But if that does not, I am sure, the reading of many Changes and Confusion of those Times must convince any man, that their Rule was uncertain, or else that they had no Rule at all.

Those seven Kingdoms were at last united under *Egbert*: But yet our Historians who lived nearest those Times, express themselves so oddly in this Matter, and do so constantly mention the Election of almost every King before they tell us of his Coronation, that some learned men have doubted, whether before the Conquest the Government of this Island was ever grown up into a settled Hereditary Monarchy. Surely if it were so, yet all must agree, That (a) then the Succession was not guided by the same Rules, as some men believe or pretend it ought now to be. *Egbert* himself, the first English Monarch, came to the Crown, not by Succession but Election, being no way related to *Brisscau*, the last of the West-Saxon Kings, and when he died, he gave the Kingdoms of *Kent* and *Essex* to his second Son. (b) *Ethelwolf* divided the whole Island between his two Sons *Ethelbald* and *Ethelbert*. (c) *Athelstan* (though a Bastard) succeeded his Father, and was preferred to his legitimate Brothers. (d) *Edred*, the younger Brother of King *Edward*, was advanced to the Throne, though the deceased Prince had two Sons *Edwin* and *Edgar*, who did both of them Reign afterward successively. *Edgar* left a Son at his Death; but yet there happened a mighty Contest about his Successor, (e) some of the great men contending for the Election of *Egbert* his Brother. But at last the Interest of *Edward* the Son prevailed, and he was in a full Assembly Elected, Consecrated and Anointed King, That which *Aldred*, Abbot of *Rievallis*, in his Life of *Edward* the Confessor, gives an account of, seems very remarkable to our purpose. King *Ethelred* (f) (who was no tame and easy Prince) desirous to establish his Successor in his Life-time, (g) summon'd a great Council expressly for that purpose, and propos'd the thing to them.

(a) Pol. Voy. Hist. Ang. l. 4. in fine: Will. Malmesb. l. 2. fol. 16. l. 2. c. 1. fol. 36.

(b) Hen. Hunt. l. 5. fol. 34. Will. Malmesb. lib. 2. c. 3. § 41.

(c) Will. Malmesb. l. 2. c. 3. § 48.

(d) Will. Malmesb. l. 2. c. 6. § 55. Reg. Hen. 1. l. 2. c. 3. Hen. Hunt. l. 5. § 355.

(e) De Regi Eligendo magna inter Regni Primores oborta est dissensio Simon Dunelm. an. 975 l. 160. Edwardum Eligimus Electum confirmaverunt & in Regem unanimes San. Dunelm. ubi supra.

(f) Oloriusus Rex Ethelredus Ailred Rievallis fo. 372.

(g) Eit magnus ex am Regi Episcopo cum Convocatis, Rival. ubi supra.

The Council
were

(b) *Præbet Electionem Rex consensum Ailr. Ab. Reivalabii supra.*

were divided, some of them appearing for *Edmond* his eldest Son, and some for *Alfred* his second Son by Queen *Emma*. But at last, upon some superstitious Fancy, they agreed to pass by both of them, and Elected the Infant that was in the Queens Womb. To which Election the King gave his (b) Royal Assent, and the whole Assembly swore Fealty to the Child whilst yet unborn. Undoubtedly this Story makes it plain, that it was not enough at that time to entitle one to the Crown, that he was the Kings Eldest Son, for then *Ethelred* would never have suffered a Debate about the Election of a Successor, nor summoned a Parliament expressly for that purpose, which you see he thought necessary to be done. And notwithstanding all his care, it seems upon the Death of *Ethelred*, *Canutus* had so great an Interest, that by an unanimous consent in a full (a) Council he was Elected King, and all the Issue of the last Prince rejected. 'Tis true, the *Londoners* stood firm to *Edmond Ironside* (the approbation of that renowned City had then no little Influence on the Succession) and there were divers Battels fought between them; but at last they came to an Agreement, and *Edmond* dying, the *Dane* ruled the whole Island peaceably whilst he lived.

(a) *Episcopi Abates Duces Quique nobiliores Anglie in unum congregati pari consensu Canutum in Dominum & Regem Eligere omnes progenium Regis Ethelredi repudiaverunt* Sim. Dunelm. an. 1016. f. 173. Brompt. f. 903. Rog. Hovedon. l. par. f. 434.

(b) *Blacitum magnum de Regni Successione apud Oxonium factum est* Brompt. 932. *Canuto mortuo facta est apud Oxonium magna alteratio de Regni Successione*

Hen. Kyng. de vint. Angl. Hen. Hunt. l. 6. c. 4.

(c) *Post mortem Harald'i Harefoot. Hen. Kyng. de vint. Angl. Hen. Hunt. l. 6. c. 4.*

(d) *Omnes Anglorum magnates ad invicem transfantes de communi Consilio & Juramento statuerunt, quod nunquam temporibus futuris aliquis Ducis super eis in Anglia regeret.* Brompt. 934. (e) Brompt. 945.

Immediately upon the Death of *Canutus*, there was assembled at *Oxford* (b) a great Council to determine who ought to succeed; where, notwithstanding all the Interest which *Godwin* Earl of *Kent*, and the *West Saxon* great men, could make on the behalf of *Haroldkute*, the legitimate Son of the dead King, they were over-voted, and *Harald Harefoot* (his Bastard, begotten on *Ailena* or *Elgiva*) was elected. *Harald* died in the 5th. year of his Reign, and (c) then the People were content to accept of *Haroldkute* for their King, and to that end sent for him out of *Flanders*; but he dying issueless, it was ordained in a (d) General Council, that never any *Dane* should for the future be admitted to Reign in *England*. After which they proceeded to elect *Alfred*, the Son of *Ethelred*, and he being murdered by the Treachery of *Earl Godwin*, they chose his Brother *Edward*, commonly called *Edward the Confessor*. Nor were these Elections of theirs made with any respect to nearness of Blood, more than those whereof we have heard before; for *Edmond Ironside*, their Elder Brother, had a Son then alive, (e) whose Name was *Edward*, and who was Father to *Edgar Atheling*, living also at the same time. And though this *Edward* had an undoubted Title to the Crown, if proximity of Blood could have given it, yet the *Confessor* was so far from suspecting any danger from such a Title, as that he invited his Nephew into *England*, and welcomed him when he came with the greatest expressions of Joy, and entertained him with the greatest Confidence. Nor had the people any regard to this Royal Blood upon the Death of the *Confessor*, but elected *Harald*, the Son of *Earl Godwin*, who had no pretence of Kindred to the *Saxon* Line.

These few, among many other Instances which may be given, will shew plainly enough, how men entituled themselves to the Crown in those days, and that then it was no strange thing to hear of a Parliaments meddling with the Succession. Therefore I suppose the men who seem astonished at the boldness of a Parliament, in presuming to speak of it at this time, will say, that they ought not to be troubled with Presidents before the *Norman* Conquest; and that though the *Saxons* might be guilty of preferring a brave and deserving Bastard, before a cruel or a silly legitimate Prince, and of many other Irregularities, yet no such things are to be found in our Histories since the time of *William* the first, whose Reign is the great *Epoche*, from whence we do compute our Kings. Let us therefore go on more particularly to observe what has been done since that time, and we shall see whether they who wonder so much, have any reason to do so.

William the Conqueror was himself illegitimate, and yet succeeded his Father in the Duchy of *Normandy*, and therefore had no reason to set any great value upon that sort of Title, which is derived from a Right of Blood. And it seems he did not much regard it; for passing by *Robert* his eldest, he gave the Crown (a) by his last Will, to *William Rufus* his younger Son, disposing only with regard to his own Inclinations, the Crown which himself had gained.

(a) *de patre ad filium voluntate in successorem ad optatur.* Guil. Malmesb. lib. 4. fol. 120. Sim. Dunelm. anno 1087. fol. 213. Brompt. f. 980.

(b) *Convocatis circa magnatum Brompt. 983. Optimato frequentibus ad*

But his Son was too wise to rely upon this Disposition as a sufficient Title, and therefore had recourse to a more sure one: (b) For calling together the Nobles and Wise Men of the Kingdom, he acquainted them in a full Council, with his Fathers Will, and desired their consent to it; who after long Consultation, did at last unanimously agree to make him their King, and thereupon he was Crown'd by *Langfrank*,

frank Archbishop of Canterbury. I cannot but observe one thing farther, that though some Men make use of the absolute Victory which the Conqueror had made, and affirm, That thereby the English were wholly broken, and all the Old Laws and Customs of the Realm were destroy'd; yet it is plain, that at this time the English Interest was so great, that it kept the Crown upon William Rufus's Head, in spite of all that the Normans could do in behalf of Robert, though they universally joyn'd with him. (c) For the King calling together the English, and opening to them the Treason of the Normans, and (d) promising them a compleat Restitution of their Ancient Laws, they stood firm to him, and soon put an end to all the Attempts of his Brother, and his Norman Accomplishes.

44. anno 1088, (c) Rex fecit convocare Anglos Sim. Dunelm. an. 1088. fol. 214. (d) Angli cum fideliter jurabant, &c. Sim. Dun. ubi Supra.

Upon the Death of William Rufus, Robert had a fair pretence to renew his Claim to the Crown, (a) but that Prince had discover'd too much of the Cruelty of his Disposition, of his aversion to the English Nation, and of his proneness to Revenge; so that by the full Consent and Council of the whole Body of the Realm, assembled at Winchester, he was finally rejected, and they did concur to Elect the Conqueror's third Son Henry for their King (as Mat. Westm. expresseth it.) Nor did they do this but upon Terms; for both the Clergy and Laity said, That if he would restore them their ancient Liberties, and confirm them by his Charter, and abrogate some severe Laws which his Father had made, they would consent to make him King. And this prudent and learned King was not ashamed or unwilling to own this Title, for he does at large recite it in his Charter, whereby he confirms their Liberties, (b) Scias me Misericordia Dei, & communi consilio Baronum Regni Anglie, ejusdem Regni Regem coronatum esse, &c.

Item Willielmi Rufi electus est Henricus frater ejus M. Paris 55. in vita H. 1. an. 1100. & 62. anno 1105. Mat. West. 235. Apud Winton. in Regem electus est. Brompt. 997. (b) Rich. Hagulstad 310. Brompt. 10. 21. Mat. Paris 240.

Henry the First you see had reason to believe and own the Power of the Kingdom, in setting the Crown upon what head they pleased, and therefore he desired to secure it that way to his Posterity. To that end, in the 13th. year of his Reign, (c) he summon'd a Council, and procur'd all the great and powerful Men of the Kingdom to swear, that his Son William should succeed him: But afterwards this Son of his was unfortunately drown'd, and the King died, leaving no other issue but Maud his Daughter, who had been married to the Emperour, and afterward to Geoffery Plantagenet, Earl of Anjou. No dispute can be made, but that she had all the Right which proximity of blood could give; yet Stephen, Earl of Boloign, who was the Son of Adela, one of the Conquerors Daughters, and whose elder Brother Theobald, Earl of Blois, was then living, slept in before her, and by representing to them the Inconvenience of a Feminine Government, and promising them to consent to such good and gentle Laws as they should devise, prevail'd (d) with the Estates of the Realm to Elect him King. And in this Charter, which he made soon after, he owns this Title; beginning it thus, Ego Stephanus Dei gratia assensu Cleri & Populi in Regem Anglie electus, &c. And the Pope, in his Charter of confirmation, sent to him in the first year of his Reign, tells him, That he was Communi voto & unanimi assensu tam Procerum quam etiam Populi in Regem electus. And then he adds, That since so universal an Assent could not be directed but by the Divine Grace, he therefore allows his Title, and confirms him in the Kingdom.

tuarientis Archiepiscopo & Clericorum & Laicorum universitate apud London. Jo. Hagulstad 250. Prædictus Stephanus a cunctis in Regem Electus, Gervas Chron. f. 340. Congregatis Londini terra magnatibus, Mat. Paris 74.

'Tis true that, afterwards Maud the Empress, together with her Son Henry, having after some years, gained many to their side, gave him great disturbance; till at last Stephen having lost his Eldest Son Eustice (in whom he placed his hopes, (e) and used all means, whilst he liv'd, to have got him declared his Successor, but without Success) came to an Agreement with the Empress and her Son, and (a) the Parliament (who alone could give a Sanction to such Agreement) was assembled at Winchester to confirm it; and then Stephen publicly Adopts Henry for his Son, and with their full consent declares him his Heir; and with the same consent Henry gives Stephen the Name of Father, and agrees that he should continue to be King during his Life,

Ffff

and

Westmonasterium in Concilio, cum convenerunt, ubi loci post longum Consilium Guillelmum Rufum Regem fecere. Mat. Paris, Flores Hist. fol. 231. Volentibus omnium Provincialium animis in Regem acceptus. Mat. Paris in vit. Gull. 2. fol.

(a) Hic Robertus semper contrarius & ad contrarios existerat Baronibus Regni Anglie, quod plenarium consensum concilio totius Communitatis Regni, ipsum reprobaverunt & pro Rege omnino recusaverunt. Henricum fratrem in Regem crederunt, H. de Knyght. c. 8. 2374. Post mortem

(c) Coacta Concilio fecit omnes Principes & Potentes Angliæ Regni adjurare terram & Regnum Willielmo filio suo, &c. Gervas Chron. 1138.

(d) A primariis Regni cum favore Cleri & Populi Electus est Will. Cantuariensis Archiepiscopo in Regem Consecrator. R. Hagulstad, anno 1156. f. 312. Consentiens in ejus promotionem Willielmo Cantuariensis

(e) Hen. Hunt. l. 8. f. 395. R. Hag. de gestis Steph. 314. (a) Facto Wintonie conventu publica, Rex Stephanus ipsum Duxem.

and they all Swore, That if Henry surviv'd, he should without opposition obtain the Crown; and Stephen by his Charter, which is set down at large in *Brompton*, publishes this Agreement, *Brompt. 1037.*

In all this Transaction certainly there was no consideration had of any other Right, but that which universal consent conferred; For if Stephen's Heir had any pretence, he had a Son then living, whose Name was *William*; and who by the same agreement was to have all the Possessions which his Father enjoyed before he was made King. If the Heir of Henry the First had any Title that was vested in *Maud* the Empress, who was then also living, so that neither of the parties had any other colour of Right to the Crown, than what the consent of the people gave them.

According to this Parliamentary Agreement and Limitation, Stephen enjoy'd the Crown peaceably during his Life, and after his Death Henry the Second came to it as peaceably; but he remembered by what Title, and therefore was desirous to secure it to his Son in the same manner, that he took a very dangerous and unusual way to do it. (b) For Summoning a Parliament to meet at *London*, he procures his Son Henry to be declared King together with himself, by their consent, and thereupon he was Crowned by the Archbishop of *York*, and Fealty Sworn to him by all. This was the occasion of Civil Wars between them, for the Father meant hereby only to have secured the Succession to him, and the Son was impatient of having only the bare Title of a King, all along pretending to an equal Authority, as doth sufficiently appear by what he writes to the Prior and Convent of *Canterbury*, where he takes notice, That his Father did attempt some Invasions upon them, which he ought not to have done without his assent. (c) *Qui, ratione Regie unctiois, Regnum, & totius Regni curam suscepimus*, and therefore he appealed to the Pope in that behalf. Nay, the Father himself paid that Respect to his Sons Dignity; That when he at last subdued him and his Rebellious Brothers (a) he would not suffer him to do him Homage with his other Sons (though he offered it.) But Henry the Son dying in the Life of his Father, Richard was then his Eldest Son surviving, and consequently had all the Right which a next Heir could claim. But the wife and wary King had not confidence enough to rely upon this (now so much talked of) sacred Right; but though he had already suffered so much from disobedient Sons, was glad to get the Succession confirmed to him in his Life-time. And the Truth is, there was reason enough that he should do so; for he had all his Children by *Eleanor* the Daughter of *William Duke of Guyen* (a) who was before, the Wife of *Lewis* the VII. King of *France*, who was still living, and the only Divorced *causa Adulterii*, which being not a Divorce *a vinculo Matrimonii*, she could not, either by the Cannon-Law, universally received, or the Laws of *England*, lawfully Marry with any other Husband.

After his Father's Death, Richard came to *London*, to which place all the Clergy and Laity were summoned; and (b) after he had been solemnly and duly Elected by the whole Clergy and Laity (they are the very words of the Historian) and taken the usual Oaths, he was Crowned. And when he undertook the holy War, he (c) declared *Arthur* Son of his next Brother *Geoffrey* the Duke of *Britann*, the next Heir to the Crown.

Richard dying without Issue, this *Arthur* ought to have succeeded, and his Sister *Eleanor* also had a Title before her Uncle: But *John* the younger Brother, without regarding this divine Right of his Nephew, applies himself to the People for a more sure, though but a human Title (d) who being summon'd together, elected him King. And (e) *Hubert* the then Archbishop of *Canterbury*, did at his Coronation, preach a Doctrine, which would have sounded very strangely to the Convocation in 1640. (*viz.*) No one could make any Title to the Crown, nisi ab universitate Regni unanimiter Electus. And that he who was most worthy ought to be preferred. But (as he goes on) if any one of the Race of the deceased King, was more deserving than others, as *John* the Brother of the deceased King was, the People ought more readily to Elect him, than a Stranger to the Royal Blood. This was all the Title King *John* pretended, and this was then sufficient to put by his Nephew. And in his (f) Charters, he does more than once own, That he owed his Crown to the Election and Favour of his Subjects.

But

(b) *Conventum inter amicos flatus ex mandato Regis Londoniam totius Anglie Episcopi Abbates Comites Barones Vicecomites prepositi Aldermanni cum fide iussoribus, Gervas. H. 2. f. 141.*

(c) *Brompt. f. 1100.*

(a) *Mat. Paris 84.*

(b) *Post tam cle- ri quam populi solemni & de- bram Electio- nem R. de deo f. 647. R. H. par. 2. f. 6. 16.*

(c) *Flo. Hist. An. 1190.*

(d) *Prælatum Comitem & aliorum Nobili- um multitudo infinita. Brompt. 1281.*

(e) *Mat. Paris. 137. An. 1199. Si aliquis ex- surget Regis Defuncti alius præstaret pro- missio & prom- ptus in electio- nem ejus esse consentendum.*

(f) *Charta*

Modestationis feodi Magni sigilli. an. 1. Jo. ex vet. Reg. in Archivis Arch. Cant. he says he came to the Crown, Jure Hereditario & mediante tam Cleri quam Populi unanimo Consensu & Favo- re.

But when King John gave over to dissemble his Nature, and went about to change his Religion (g) (for he made offers of that sort to the King of Morocco) when he discovered himself not to be that worthy man which the People supposed him to have been; they remembered whence he derived his Title, and proceeded upon the same reason that they had chosen him; to make a new Election, (h) choosing Lewis Son of Philip King of France, who was next Heir to the Crown in the Right of Blanch his Wife, Niece to King John, and Daughter to his Sister Eleanor; both the Children of Geoffrey Duke of Britain, being dead before that time.

When King Philip heard of their choice, he consented to send his Son, being rather induced thereto by this reason (i) That John's Blood being corrupted by an Attainder of Treason in the Life-time of his Brother Richard, he was incapable of taking the Crown by Descent, and unworthy to take it any other way.

convictus, Damna sua fuit per judicium in Curia ipsius Regis, Mat. Westm. 275. Mar. Par. 281.

Lewis coming to London, was there Elected and Constituted King, swearing to preserve the Peoples Laws, and they swearing Allegiance to him: But he soon forgot his Coronation Oath, and attempted several ways to introduce an Arbitrary Government; before he was well Established in his Throne, which the English as soon relented. An King John happening to die very opportunely, the Earl-Marshal calling together the great Men of the Kingdom, and placing Henry the Third, Then an Infant in the midst of them, persuaded them to make him King, who was altogether innocent of his Fathers Faults. (k) The Earl of Gloucester said this was contrary to their Oath to Lewis: To which the Marshal replied, that Lewis by breaking his Oath had absolved them from theirs; and that he despised the English to set up the French; and that he would be the destruction of the Realm. With whose Reasons the whole Assembly being convinced, cried out unanimously, *Fiat Rex*; and accordingly they Crown'd King Henry the Third, and soon after compelled Lewis to renounce all pretences to the Crown.

Henry the Third dying after a long and troublesome Reign, his Son Edward the First, a Prince of great hopes, and whose Life answered the highest expectations, succeeded; but whether he was the eldest Son of his Father, remains a doubt in History. The House of Lancaster, who derived themselves from his Brother Edmund, pretending always that Edmund was the Elder, and Edward the Younger Brother, and that Edmund was put by the Crown by common Consent for his Deformity.

After the Death of Edward the first, his Son Edward the Second succeeded, but he degenerating from so great a Father, the People grew weary of his irregular and Arbitrary Government. And a Parliament being by him summoned at Westminster, as all our Writers say, or as Polydor Virgil words it, *Principes convocato Concilio conveniunt Londini* (which I observe, only that we may know what Polydor means, when he makes use of the expression of *Principes in Concilio Congregati*;) They presently entered into a consideration of the miserable state of the Nation; and a Paper being publicly read, containing many Instances of the Kings Misgovernment, all which he had confessed; they concluded he was unworthy to Reign any longer, and that he ought to be deposed; and sent to him to let him know their Resolution, and to require him to renounce his Crown and Royal Dignity, otherwise they would proceed as they thought good. And they appointed Commissioners to go to him in their Names; The Bishop of Ely for the Bishops; the Earl of Warren for the Earls; Sir Henry Percy for the Barons; and Sir William Frusell for the Commons, to resign their Homage up to him: Which Frusell pronounced in all their Names, and formally deprived him of all Royal Power; the Form of which is particularly set down by Knighton. The King read this sad Sentence with extraordinary grief, and many complaints of those evil Counsellors who had seduced him; but in the midst of his Sorrow (a) he gave them thanks that they Elected his Son to Reign after him. Thus was that glorious Prince Edward the Third Elected King in his Fathers Life-time, *Et huic Electioni universus populus consensit*. Walter Arch-Bishop of Canterbury, who preached the Coronation-Sermon, took this for his Text; *Vox Populi vox Dei*. By this we may see that all his Predecessors were not of Arch-Bishop Laud's mind, but thought there was a Divine Right somewhere else than where he placed it. Upon the death of Edward the Black Prince, there was some Dispute whether John of Gaunt, the eldest surviving Son of Edward the Third, should Succeed *Jure propinquitatis*, or Richard the Son of the Black Prince; whereupon Edward the Third procured the Parliament to confirm the Succession to Richard the Second. And afterwards, when Edward the Third died, (b) Polydor Virgil says, *Principe Regni Habito Concilio apud Westm.* (you know what Polydor means by *principes*) *Richardum, Edwardi principis Filium, Regem dicunt, by their common Suffrages.*

(g) Necnon & Legem Christianam, Quam, quam consueverunt relinquere Legem Mahometis facerent, Mat. Par. 243.
(h) Mat. Par. 279. Flo. Hist. an. 1216.
(i) Velens fratre suum Regem Richardum a Regno Anglie injuste privare & inde de prodicione accusatus & coram eo

(k) Mat. Westm. 275. Hen. de Knyght. f. 2426. c. 15. l. 2.

Hen. de Knyght. f. 2472. c. 16. l. 2.

Tho. Walsing. in Vit. Ed. 2. f. 126.

Pol. Virg. l. 18. f. 352.

Froissart. 1. 2. vol. 6. l. 14. Fructus Temporum. Part 7. f. 107. Hen. de Knyght. l. 3. c. 15. f. 2549.

(a) Quod Filium suum Edwardum post se Regnaturum Eligissent, Knyght. 2550.

(b) Pol. Virg. 20. f. 299.

Juri Hereditario ac etiam voto communi singulorum. H. Knyght. l. 5. f. 2630. Rot. Parl. 1. H. 4. Pol. Virg. l. 5.

In the Twenty first year of *Richard's* Reign, a Parliament being assembled at *Westminster*, they drew up, by their common Consent, a Form whereby he did resign the Crown, and the name and power of King, discharging all his Subjects from all Oaths which they had taken of Allegiance to him, confessing himself thereby insufficient for the Government, and swearing never to make any pretence for the future. All which he Pronounced and Subscribed; wishing (if it were in his power) to have *Henry Duke of Lancaster* for his Successor; but since it was not, he desired the Commissioners to signify his desires to the States of the Realm. The next day all the States of the Realm accepted his Resignation, and when that was done, they proceeded to read publicly his Coronation Oath, and all the Branches of it, that so it might appear how justly he had deserved to be Deposed. All which are contained in Thirty three Articles, entered at large in the Rolls of Parliament (and well deserve to be read;) whereupon the States adjudged that he shall be Deposed, and appoint Commissioners; *Ad Deponendum eundem Richardum Regem ab omni Dignitate, Majestate & Honore Regis vice nomine & auctoritate omnium statuum predictorum, prout in Consimilibus casibus de antiqua consuetudine dicti Regni fuit observatum*: Which the Bishop of *St. Asaph* did in full Parliament, in their names, and by their directions. The same Commissioners were also to resign up to him their Homage and Fealty, and intimate the Sentence of Deposition; which they did accordingly, by the Mouth of Sir *William Thuring*, whose words are at large entred upon Record. Then did the Parliament proceed to choose *Henry* the Fourth King; And upon this Title did he only rely, though he mentioned some other trifling ones, as that he challenged it, being then void, by force, as Descended to him from King *Henry* the Third.

But this could give him no Title; for 'tis plain while any of the Issue of *Lionel Duke of Clarence*, the Third Son of *Henry* the Third, were in being, no right of Blood could Descend to him, who derived his Pedigree only from *John of Gaunt*, who was but his Fourth Son. And he plainly shewed what a good Opinion he had of a Parliamentary Title to the Crown, when in the 7th. year of his Reign, he procured an Act of Parliament to pass, whereby the Inheritance of the Crown and Realms of *England* and *France* were settled upon himself for Life, and the Remainder entail'd upon his four Sons by name, and the Issue of their Bodies begotten. He was contented that it should be limited no farther, but that after failure of his own Issue it should go according to the general direction of the Law. And he made a Charter soon after, whereby he settled the Crown pursuant to this Act of Parliament: *Post ipsam successorem hereditibus suis de ipsius Corpore legitime procreandis*; which Charter was again confirm'd in Parliament, the 22. December, 8 H.IV. and the Original Charter is still to be seen in the Cotton Library.

Immediately upon the Death of *Henry* the Fourth, a Parliament met at *Westminster*, and there according to the custom of the Realm, it was debated who should be King: But all Men had entertained so good thoughts of Prince *Henry*, that without staying till the whole Assembly had declared him King, divers of them began to swear Allegiance to him. A thing strange, and without President, as only occasioned by the extraordinary Opinion which was generally conceived of him before.

And the certain Title vested in him by an Act of Parliament.

Principi Henricus, facto Patris sui funere, Concilium Principum apud Westmonasterium convocandum Curat, in quo de Rege Creando, more Majorum, agitabatur. Continuo aliquot Principe ultro in ejus Verba jurare ceperunt, quod Benevolentia Officium Nulli, priusquam Res renunciatus esset, prestitum constaret. Adeo Henricus ab ineunte aetate spei omnibus optime Indolis fecit, Pol. Virg. l. 22. Hist. Ang. in Vit. H.5.

Henry the Fifth dying, and leaving but one Son, who was an Infant of Eight Months old, *Titus Livius* says, there was some doubt whether he should be accepted as King; but as soon as his Father's Funeral was Solemnized, the Estates of the Realm of *England*, Assembling and Consulting together, they declared *Henry* the Sixth to be their Sovereign.

In the Thirty fifth year of *Henry* the Sixth, a new Limitation of the Crown was made by Parliament, for though the King had a Son then living, yet it was Enacted, That during his own Life only, *Henry* the Sixth should hold and enjoy the Crown, and that during his Life, *Richard Duke of York* should be reputed and stiled Heir Apparent to the Crown, and that it should be Treason to compass his Death; and after the Death, Resignation, &c. of *Henry*, the Crown was limited in Remainder to *Richard* and his Heirs, with a Proviso, That if *Henry*, or any in his behalf,

Titus Liv. Mf. in Bibl. Bod. Cott. Record. f. 666.

Hobart's Hist. Eng. l. 10.

Cott. Rec. 670. Brissus Temp. part. 7. f. 162.

half, should endeavour to disannul or frustrate this Act, that then *Richard* should have the present possession of the Crown. And by force of this Act of Parliament the same Duke of *York*, taking advantage of *Henry's* violation of it, did lay claim to, and attempt the recovery of the Kingdom, as also did his Son *Edward* after him, ^{Hubingt. E. 4. f. 73.} with better success; and *Edward* did openly insist upon this Title in the Speech which he made at his Coronation.

It was also Declared by *Edward's* first Parliament, in the first year of his Reign, that *Henry* the Sixth having broken the aforesaid Concord in many particulars, the Crown was duly devolved to *Edward* the Fourth, by virtue thereof.

Afterwards *Edward* the Fourth being driven out of the Kingdom, in the Tenth year of his Reign, the Parliament did again entail the Crown on *Henry* the Sixth, and the Heirs Male of his Body, with the Remainder to *George* Duke of *Clarence*, Brother to *Edward* the Fourth, who was thereby also declared Heir to *Richard* Duke of *York*.

'Tis worthy observation, that both the Families of *York* and *Lancaster* claimed a Title by Act of Parliament; and as long as that Title continued, the Issue of *Henry* the Fourth had never any Disturbance from the Pretences of the House of *York*, who had undoubtedly the right of Blood on their side: But as soon as ^{Buck's Hist. Rich. 3. lib. 1. fol. 20.} *Richard* Duke of *York* had a Title vested in him, by the Statute made in the Thirty ninth year of *Henry* the Sixth, then he thought it was worth contending for; nor did he and his Son desist till they had driven out *Henry* the Sixth.

Edward the Fourth did recover the Kingdom again as suddenly as he lost it; and prevailed with his Parliament to Repeal that Law which was made during his Expulsion, and so left the Crown to that young unfortunate Prince, *Edward* the Fifth, who held it not long enough to have it put on him with the usual Solemnity; for though he was Proclaimed: he was never Crowned King: For his Uncle, *Richard* Duke of *Gloucester*, having secured him and his Brother in the Tower, did cunningly insinuate the Bastardy of his Nephew, and that *Edward* the Fourth had another Wife living at that time of his Marriage to their Mother, and also at the time of their Birth.

The Report found Credit universally, in so much that the Duke of *Buckingham* coming to him at *Baynard's* Castle, with most of the great Lords and wise men of the Kingdom, and the Mayor and Aldermen of *London*, the Duke did in their Names acquaint him, that they had unanimously thought fit to Elect him King, as being Heir to the Royal Blood of *Richard* Duke of *York*, upon whom the Crown was Entailed by the High Authority of Parliament.

'Tis very remarkable, that in the midst of their highest Flatteries and Courtship to him, they tell him only of this great and sure Title by Act of Parliament; although if he had been indeed (what was pretended) the Heir of the House of *York*, his Right by Descent from *Edward* the Third was unquestionable.

Richard (after some feigned Excuses) did at last accept of their Offer and ^{Cott. Rec. fol. 709.} Election; and the Parliament being soon after Assembled, they presented a Bill to this effect: Please it your Grace to understand the Consideration, Election and Petition under-written, of the Lords Spiritual and Temporal, and the Commons, &c. And thereby they Declare the Children of *Edward* the Fourth Illegitimate, and that his Brother *George* Duke of *Clarence* was attainted of High Treason by Parliament, in the 17th. year of *Edward* the Fourth's Reign, by reason whereof all the Issue of the said *George* were and are disabled and barred of all Right and Claim, that in any case they might have or challenge by Inheritance to the Crown and Dignity Royal of this Realm, by the Ancient Laws and Customs of the same. After which considering that none of the uncorrupted lineal Blood of *Richard* Duke of *York* could be found but in his Person (say they) We have chosen and do choose you our King and Sovereign Lord. Then the Bill proceeds, in reciting that all the Learned in the Laws do approve his Title, and declaring him King, as well by Right of Consanguinity and Inheritance, as by lawful Election, and entails the Crown on him and the Heirs of his Body, and declares his Son Heir Apparent. To which the King gave his Royal Assent in these words: Et idem Dominus Rex, de Assensu dictorum trium Statuum Regni, & Autoritate predicta, omnia & singula premissa, in Billis predictis contenta concedit, & ea pro vero & indubio pronunciat, decernit, & declarat. ^{Buck's Rich. 1. lib. 1. fol. 22.}

But the barbarous Murther of his Nephews did soon beget such an universal Detestation of *Richard* in the minds of the People, that they resolved he should no longer Reign over them; and so taking hold of a Pretence which *Henry* Duke of *Richmond* set up, they joyn'd with him against *Richard*. Though *Henry's* Title was indeed no more than a meer Pretence; for not only the Right of the House

of York (as far as Blood could give Right) was before that of the House of Lancaster, but also he had no manner of Interest in that Title which the Lancastrian Line had since his Claim was under a Bastard, begotten in Adultery; and besides, his Mother, *Margaret Countess of Richmond*, as Heir to whom he pretended he claim'd, was then living. Therefore *Comines*, the most judicious Writers of that Age, and who knew well what was the sense of Europe concerning his Title, says plainly (though he wrote in the time of Henry the Seventh) *Qu'il n'avoit Croix, ne Pile, ne nul Droit, (comme Peo Croy) ala Couronne d'Angleterre.*

Nevertheless, Henry having slain Richard in *Bosworth-field*, the Crown was there put on his Head by the Lord Stanley, with the general Acclamation of the People. But he was wise enough to think his Title to it was not very good; till it was made so by an Act of Parliament, and therefore in the first year of his Reign he procured one to pass in these words.

Book's Rich. 3.
lib. 5. fol. 145.

For the Wealth, Prosperity and Surety of this Realm of England, and for avoiding of all Ambiguities and Questions (The wisest of our Princes you see had no little Opinion of the Authority of a Parliament in this point) Be it ordained, &c. That the Inheritance of the Crown of the Realms of England and France, with all the Preeminences and Dignities Royal to the same appertaining and the Ligeances to the King belonging, beyond the Seas, &c. shall be, yet, remain and abide in the most Royal Person of our Sovereign Lord Henry the Seventh, and in the Heirs of his Body lawfully coming perpetually, with the Grace of God, and so to endure, and no other.

Lord Bacon
H. 7. f. 1. 12.

Thus did the wisest of our Kings establish himself, and the best of our Historians mentions it as one of the greatest Instances of his Wisdom. That he did not press to have this as a Declaration or Recognition of Ancient Right, but only as an Establishment of the possession which he then had; nor to have the Remainder limited to any person after the determination of his Estate, but was content with the Settlement upon himself, and the Issue of his own Body, leaving it to the Law, to decide what was to follow upon the failure of such Heirs.

Nor can any thing be more clear, than that Henry the Seventh depended entirely on this Parliamentary Title, without extending any pretences of his, or his Wife's (who was Heir of the House of York) beyond this Establishment, in as much as the Oaths of Allegiance and other publick Tests and Securities, which were required at that time of the Subjects, were not in general Terms, to the King, his Heirs and Successors, but only to the King, and the Heirs Male of his Body lawfully begotten. An instance of this (without going any further) may be seen amongst the Records Printed at the end of the History of the Reformation, where Cardinal Adrian, when he was promoted by Henry the Seventh to the Bishoprick of Bath and Wells, renounces all Clauses in the Pope's Bulls, which may be prejudicial *Domini meo supremo, & Hierarchici sui corporis sui legitime procreatis, Anglie Regibus*; and he does afterwards swear Allegiance to him in the very same words, without taking any notice of Remoter Heirs.

Henry the Eighth, the Heir to this Entail, Succeeded his Father, and though he attempted as much for Arbitrary Power, and used Parliaments with as little respect as any of his Predecessors, yet even he never doubted of their Power in settling the Succession, but valued it much, and resorted to it frequently.

Stat. 25 H. 8.
cap. 2.

In the 25th year of his Reign an Act passed, wherein the Parliament say, they were bounden to provide for the perfect surety of the Succession (they did not certainly reckon themselves bound to do a thing that was not in their Power.) And then they take notice of the great Milchiefs and Effusions of Blood which had happened by reason of the doubtfulness of the true Title; and for the avoiding of all future Questions, do Enact, *That the Imperial Crown of this Realm shall be to King Henry VIII. and the Heirs of his Body Lawfully begotten on Queen Anne, and the Heirs of the Bodies of such several Sons respectively, according to the course of Inheritance; and for default of such Issue, then to the Sons of his Body in like manner; and upon failure of such Issue then to the Lady Elizabeth, and after her to any other Issue in Tail, and when the Remainder is limited to the right Heirs of Henry the VIII. By the same Statute Every Subject at his full Age is obliged to take an Oath to defend the Contents of it, and the refusal is made Misdemeanor of Treason. And the next Parliament, which was held in the year following, does particularly Enact an Oath for that purpose.*

26 H. 8. c. 2.

28 H. 8. Reg.
Crown 4.

Some few years after these Acts were Repealed, and the Parliament Entailed the Crown upon the King, and the Heirs of his Body by Queen Jane, and Power is given the King for want of Issue of his Body to dispose of the Succession by his Letters Patents, or his last Will.

It is also made Treason, if any Usurp upon those to whom it is so appointed. Here the Parliament do not only use their Power of changing the Succession, but they Delegate it to another.

And in the *Thirty fifth* year of this King's Reign, the Parliament by another Act take notice of the great and high Trust which the Subjects had in him, in putting into his hands wholly the Order and Declaration of the Succession; Yet the King being then ready to go into France, they do Enact, that after his Death, and the Death of Prince Edward, without Issue, the Crown should be to the Lady Mary, and the Heirs of her Body; but both subject to such Conditions as the King should limit by his Letters Patents, or by his last Will, sign'd with his Hand: And if the Lady Mary performed not those Conditions, that then the Crown should go to the Lady Elizabeth, as if the Lady Mary had been dead without Issue; and if the Lady Elizabeth neglected to perform such Conditions, then it should go to such other Persons as the King should appoint, in the same manner as before, as if the Lady Elizabeth had been dead without Issue. And Authority is given to him, by his Letters Patents, or his last Will, sign'd with his own Hand, to appoint the Crown to remain to such Person or Persons, and for such Estate, and under such Conditions as he should please.

An Oath also for observing this Statute is appointed, and it is made Treason to refuse it, or to disturb or interrupt any Person to whom it is limited by this Act, or should be by the King, pursuant to the Power given him thereby.

This is abundantly sufficient to prove, That it was the universal Opinion of that Age, That the Succession was wholly under the Controul of Parliament, who not only limited it as they pleased themselves, but subjected it to Conditions, and to the Appointments of others. But the thing was in its own Nature so evident, that they who had the greatest Reason, and were most concern'd to do it, did never presume to question the Power of a Parliament in this Point. *Leithington*, Secretary of Scotland, in a Letter of his, written to Sir William Cecil, then Secretary of State here, wherein he argues in behalf of the Title of his Mistress, Mary Queen of Scots, to succeed Queen Elizabeth, against a pretended Disposition made by the last Will of Henry the Eighth, to his Niece, the Lady Frances, Daughter to the French Queen, if his own Issue fail'd, says of these Statutes that gave the King Power to dispose of the Crown, That they were against Equity to disinherit a Race of Foreign Princes, and that they were made in an abrupt Time (as he terms it; but yet he confesses, That since the thing was done, it was now valid and unavoidable, unless some Circumstances did annihilate the Limitation and Disposition made by King Henry's Will.

And so he proceeds to prove, that the power which was given to the King by these Statutes, was not pursued (which it ought to have been most strictly, and in a precise Form) for that the King never signed the Will, but that his name, set to it, was forged: Nay, I will venture to say that in all the Books which were written to support the Claim of the Scottish Queen against King Henry's Will (though the whole power and wealth of the Guis-
ses were employed to set every wit at work on that Design) there was never any stress laid upon it, or so much as a pretence that these Acts of Parliament were void or ineffectual in themselves. In that Discourse which was published by *Philips*, and composed by Sir *Anthony Brown* one of the Justices of the Common Pleas, who was (in Judge *Dodderidge's* opinion) a person of an incomparable sharpness of Wit, there was all the help that Learning either in Divinity, Civil or Common Laws could give; yet there the Authority of the Parliament in the case, and the validity of these Statutes is all along admitted. Indeed they endeavour to put some other construction upon the Statutes, but their great Argument is, That King Henry as King, had no power to dispose of the Crown, and therefore these Laws only gave him an Authority, and made him only as it were a Commissioner; and therefore, as all other Authorities (especially being in Derogation of the course of the Common Line) was to be strictly followed. They allow, that he had sufficient power to Devise, and that he might Honourably have used that Power; but that he ever did exercise that Authority, is the thing denied. But it is time for us to go on.

Edward the Sixth succeeded his Father, and took upon him a power, which surely no King ever had, to dispose of his Crown by the Will. But that disposition serving to no other purpose, but to the Ruine of the Lady Jane Gray, his Sister, Queen Mary first, and after Queen Elizabeth enjoy'd the Crown according to the Limitation of the Statute, 35 Hen. 8. c. 1. and that one of them had no other Title, must be agreed by all: For Queen Catherine was alive at the time when Elizabeth was born: So that if the first Marriage was unlawful, Queen Mary, and if the second was unlawful, Queen Elizabeth must necessarily have been illegitimate.

I cannot but observe one passage to our present purpose, which I meet with in the time of Queen Mary. Sir *Edward Mountague* first Lord Chief Justice of the Common Pleas, and afterwards of the Kings Bench (one who had the reputation of the ablest and wisest Lawyer of his Age) being accused to have drawn the Will of *Edward* the Sixth, whereby that Queen was to have been disinherited, and being in great danger upon that account, drew

35 H.8. cap. 1.

Burn. Hist. Reform. Collect. 268.

Treatise of the Title of Queen Mary to the Succession, pag. 38, 39. &c. lib. 2. Dadd. Eng. Lawyer pag. 8.

Mores Reports 827, & 828.

Fulke's Church-
History, Lib. 8.
fol. 5.

drew up a State of his own Case, and therein sets forth that the great reason which prevailed with him to obey the King in that particular, and upon which he did still rely for his Indemnity, was, That if Queen Mary came to the Crown, she took it by force of the Act of Parliament, which did limit it to her in Remainder, so that she came in as a purchaser, and not in privy of Estates to her Brother, and consequently could not punish Treasons or Offences committed in his time.

1 Mar. Parl. c. 2.

I must needs also observe, That in the Articles made upon the Marriage of Queen Mary with Philip of Spain, which were confirmed by Act of Parliament, the several Crowns and Territories of Philip are distributed part to Charles the Infant of Spain, part to the Issue of the intended Marriage. Whereby it does appear not only what opinion all Europe had of the power of an English Parliament, but also that by the consent of the Estates of other Realms, Crowns might be limited and disposed out of the ordinary course of Descent.

1 Eliz. c. 3.

In the first year of Queen Elizabeth, the Parliament recognize her Title to the Crown, with express Relation to the Statute 35 Hen 8. which invests it in her, and the heirs of her Body, and do Enact that the Limitation made by that Statute shall stand and remain as Law for ever, and all Sentences, Judgments and Decrees to the contrary are declared to be void, and appointed to be cancelled. And the several Offences which are made Treason by another Statute in the same year, are all restrain'd to the Queen and the Heirs of her Body only. The Parliament intending to extend that new security no further than her Estate in the Crown (which she took by that Parliamentary limitation) did extend.

1 Eliz. c. 5.

13 Eliz. c. 1.

Cap. Treason. 27.

In her Thirteenth year it was Enacted, That if any person claim Title to the Crown for himself or any other, during her Life, or shall not upon Demand acknowledge her Right, He shall be disabled during his Life to have the Crown in Succession, as if he were naturally Dead. And to affirm Right of Succession in such claimer or usurper (after Proclamation made of such claim or usurpation) is made Treason. Nor does the Statute stop there, but makes it Treason, during the life of the Queen, and forfeiture of all Goods and Chattels after her decease, to affirm, That the Queen, with and by the Authority of Parliament, is not able to make Laws and Statutes of sufficient force and validity to limit and bind the Crown of this Realm and the Descent, Limitation, Inheritance and Government thereof, or that this or any other Statute made by Parliament, with the Queens assent, is not or ought not to be for ever of sufficient force to bind and Govern all persons, their Rights and Titles that may claim any Interest or Possibility in or to the Crown in Possession, Remainder, Inheritance, Succession or otherwise. It were well if some rash men, who presume in their Discourses to restrain the power of the Parliament (that is, the King, Lords and Commons) in the great business of the Succession, would be so wise as to remember this Act (which is still in force) and the penalty to which they subject themselves by such sawcy Talk. That incomparable States-man, the Lord Burleigh, had another kind of opinion of the Security which an Act of Parliament could give his Royal Mistress, by making the Scottish Queen the Popish Successor of that time) unable and unworthy of the Succession; as appears in a Letter which he wrote about this time to Sir Francis Walsingham, then Ambassador in France.

Complete Ambassador fol. 219.

27 Eliz. cap. 1.

In the Twenty Seventh year of Queen Elizabeth, it was Enacted, That if any Invasion was made, or Rebellion, or other thing tending to the hurt of Her person, by, or for, or with the privy of any one who should or might pretend Title to the Crown, and the same should be adjudged in such manner as that Law appoints, then every person against whom such Judgment should be given, should be excluded and disabled for ever to have, or claim the Crown: And that the Subjects of this Realm lawfully might, by all forcible and possible means, pursue all such offenders: And their Issues assenting or privy thereto, are in like manner disabled and to be pursued. And this Act was made in pursuance of an Association enter'd into by the People in the vacancy of Parliament out of their great zeal for the preservation of the Life of that excellent Princess.

Strongmayr
Hist. of Mary
Queen of Scotland, fol. 179.

By virtue of his Statute Mary Queen of Scotland was afterwards Executed, as appears by the Commission for her Trial.

King James her Son, who was a wiser Prince, and not wholly govern'd by Priests as his Mother was, though he had the same pretences that she had, yet never disputed his Right, or set on foot any Title during the life of the ever Renowned Queen; though she would never suffer him to be declared her Successor. He was too wise to incur the like disability as his Mother had done, and to contest a Title establish'd by Parliament.

After Queen Elizabeth's Death, the Act of Recognition made upon King James his coming to the Crown, doth particularly insist upon that Title, which was raised by Act of Parliament to Henry the Seventh, and the Heirs of his Body, and that immediately upon the Queens decease the Crown descended and came to King James, so that you see the Title of Queen Elizabeth is again acknowledged by Parliament; and the Entail made by the Statute of 35 H. 8. being spent upon her death without Issue, King James comes in as next Heir to the old Entail made the first year of Henry the Seventh.

Thus

Thus have I set down before you the whole course of the *English* Succession as plainly, as truly, and as briefly as is possible. I shall leave every man to make his own observations on this Historical Deduction: But this one observation I believe all men must make from it, That it hath been the constant opinion of all ages, that the Parliament of *England* had an unquestionable Power to Limit, Restrain and Qualify the Succession as they pleased, and that in all Ages they have put their power in practise; and that the Historian had reason for saying, That seldom or never the third Heir in a right Descent enjoy'd the Crown of *England*.

*Daniel, fol. 5.
in vita H. 1.*

It were as easie to shew that in all other Kingdoms the next of Blood hath been frequently excluded from the Succession, but the History of our own Country is our business, yet I cannot forbear reciting the Speech which *Ambassadors* sent from the States of *France*, made to *Charles of Lorrain*, when they had solemnly rejected him (though he was Brother to *Louis d'Outremes*, and next Heir to the Crown) and had elected *Hugh Capet* for their King. They told him that every one knew that the Succession of the Crown of *France* belonged to him, and not *Hugh Capet*. But yet (says they) the very same Laws which give you this Right of Succession; do judge you also unworthy of the same; for that you have not hitherto endeavoured to frame your manners according to the Prescript of those Laws, nor according to the usages and customs of your Country, but rather have ally'd your self with the *German* Nation, our old enemies, and have loved their vile and base manners. Wherefore seeing you have forsaken the ancient virtue and sweetness of your Country, we have also forsaken and abandon'd you; and have chosen *Hugh Capet* for our King, and put you back, and this without any scruple of Conscience at all, esteeming it better and more just to live under him, enjoying our Ancient Laws, Customs, Priviledges and Liberties, than under you the Heir by Blood in Oppression, strange Customs and Cruelty. For as those who are to make a Voyage at Sea do not much consider whether the Pilot be owner of the Ship, but whether he be skilful and wary; so our care is to have a Prince to Govern us gently and happily (which is the end for which Princes were appointed) and for these ends we judge this man fitter to be our King.

*Gerr. du Hail.
lib. 6. an 988.*

Certainly it were a most dangerous thing to have an opinion prevail, that the King in concurrence with his Parliament should not have power to change the direct Order of Succession, though the preservation both of him and his people did depend upon it. For it does directly tend to Anarchy, and makes the Government to want power to defend it self, by making such Alterations as the variety of Accidents in several ages may make absolutely necessary. There must be a supreme uncontrollable power lodged somewhere. And the men who talk at this rate, can hardly find where it is lodged in *England*, if not in the King, Lords and Commons in Parliament.

But when a man begins to ask a Reason of this Doctrine of theirs, that proximity of Blood does give a Title unchangeably by any Human Laws, the teachers of it differ exceedingly; some of them tell us of a Divine Patriarchal Right, which Kings as Natural Fathers of their People have derived down to them from *Adam*. And this Notion, though it be no older than the present Age, has been very frequent in Mens Mouths and Books, and has much pleased of late (as new things use to do.) But they consider not that if this be true, there never can be but one Rightful Monarch in the Universe, That is he only who is the direct and Lineal Heir of *Adam* then living. And thus these great Patrons of Absolute Power, instead of supporting, do shake the Thrones of all the Princes in the World, since none of them at this day can make out any such Title.

*Card. Pullaro.
Hist. con. Trid.
l. 18. 15.*

There are others, who being desirous to bestow upon the Crown a Complement of the like nature, which they were at the same time obtaining from it, have declared in general, That Monarchy is of Divine Right, That Princes succeed by the Laws of God; That their Title is not subject to any earthly cognizance, nor owing to any consent of the People. But the consequences of this opinion are not once considered by these men, that thereby the property of all Subjects, and the Laws of all Countries, are destroyed together. For no Human Laws or Contracts bind or restrain a Power divinely Instituted. (Or if you like it better in the words of a great Cardinal) A Jurisdiction which is of Divine Right, is not alterable by the will or power of man.

Besides, all Communities which live under another Form of Government, must be guilty of violating this Divine Institution. And perhaps there are few others besides the *Great Turk* Dominions, which are governed as they ought to be.

In what a damnable condition are the *Venetians* and the *Netherlands*, who admit no Monarch at all; *Poland* and the *Empire*, who Elect their Princes, and will not hear talk of this Divine Right of Succession?

Aragon, where they do not Elect their King, but tell him plainly at his Coronation, that they will Depose him if he observes not the conditions which they require

quire from him, and have a seled Office call'd, *El Justitia* for that purpose: Nay, even *Prætor* it self, which 'tis notoriously known, does exclude Women from this Divine Right.

That Government is of Nature, and derived from God, is manifest. Nothing is more natural in Man than the Desire of Society, and without Government Society would be intolerable. But can it be proved from hence that the Government cannot be moulded into several Forms agreeable to the Interest and Dispositions of several Nations, and may not be varied from time to time as occasion requires, by the mutual consent of the Governors, and of those who are Governed?

And after all pretences of this kind, let any place of Scripture be produced where in God obliges a people to this or that Form, till they have first obliged themselves to it by some Act of their own.

I do agree, that if God by any extraordinary Revelation has ordained any sort of Government, or by any immediate Denomination has conferred a Kingdom on any Family, and has directed in what order the Crown shall descend, that all men are bound to submit to it, and acquiesce in the Divine Will, as soon as it is clearly and evidently made out to them; but they must not be angry if men expect such an Evidence.

There is a third sort of men, who tell us this Realm being entirely subdued by the Conqueror, and by him left to descend to his Heirs, none of these Heirs who derive a Title under him, can deprive those who are to succeed of any Right which they ought to have, but must leave the Crown as free to them as they themselves received it from their Ancestors.

I will not here insist upon the danger that any Prince runs into who founds his Title in force, because it will be hard to prove that such a one does not leave as good a Title open for every man who can make himself strong enough. Nor need I trouble my self so, shew, that all Conquest does not put the Conqueror into an Absolute Right. Though it be most evident in the case of *William the first*, who did by his Sword prosecute a claim of another nature, and meant only to acquire that Right, and after Conquest rested in it. He pretended to the Crown as the Gift of King *Edward*, and to vindicate that Title he entered with Arms. And though his Relation to the Crown was more remote than that of *Edgar Acheling* (then a Child) yet his Title was better than *Harold's* the present Usurper, who could pretend no kindred at all, and who had himself sworn to support the Grant to *William*. Nor did he claim a Power by Conquest (though the name of Conqueror was given him by after times, (says *Daniel*) but submitted to the Orders of the Kingdom, desirous rather to have his Testamentary Title, than his Sword to make good his Succession. But I will admit that he made an absolute Conquest, and then these men will grant that he might himself dispose of this conquer'd Kingdom. Therefore if he did not leave it to descend in such a manner as they would have it go, nor did institute any such sort of Succession, surely this Argument of theirs will fall to the ground. Now 'tis plain that he never design'd that the Crown should descend, but gave it to his second Son, and thereby gave an early example of excluding and pretermittting the unworthy.

Lastly, Others object, That the Fundamental Laws of the Land, against which no Act of Parliament can be of force, have so establish'd the Succession that the course of it cannot be altered. This is surely a new discovery unknown to our Fore-fathers, as the foregoing History does abundantly prove. But let these Objectors be asked by what Authority these Imaginary Laws were made? For if an Authority equal to that which made them be still in being, that Authority may certainly repeal them whenever it pleases to exert it self. If the King alone made them, no doubt but that he may change them too. If they will say they were made by the dissuive body of the people, they run before they are aware into the guilt of worshipping that Idol, the Multitude, and make a great step towards placing the foundation of the Government upon contract and consent. But then let them produce those Laws, or some Authentick memorial of them, before it be exacted from us to believe there were ever any such.

Yes, they will say, There is such an ancient Law acknowledged by all the Judges, and known to every man, that the Descent of the Crown purges all Defects whatsoever. This Maxim as it is usually repeated is in these words, and this might be admitted, and yet could not be pertinently applied to a case where the Descent it self is prevented by a Law. But I will not take advantage of their words, but will consider the Objection, as it stands in that Book where the first mention of it was made, and that is in the *Year-Book* of *Henry the Seventh*, it being said there by the Judges, That the King was a person Able and Discharged of any Attainder *eo facto*, that he took upon him the Government, and to be King.

First, This was not only an extra judicial opinion, but was not pertinent to the Question referred to their consideration. Whether those who were chosen into the

House

Pl. 7. f. 4. b.
Que le Roy fu
ist person able
et discharge
de aucun at-
tainder eo facto
qu'il prist sur
lui le Reign &
estre Roy.

House of Commons, and were at that time attainted of Treason might sit in Parliament, till their Attainders were Reversed; and they all agree that their Attainders should first be annulled. But then they proceed to say that there was no necessity that the Kings Attainder should be Reversed, for that he might enable himself, and needed not any Act of Reversal. But surely they said very wisely in what they said; for he who had won a Crown in the field, had gone a great way towards enabling himself to wear it. Most sure it is, that if any Act of Reversal were necessary before he could sit, that then it was impossible he ever should sit there, because no such Act could be made without the Royal Assent. *Henry* the Seventh was then King *de facto*, and in possession of the Throne, and it was somewhat of the latest to consider whether he was qualified or not. Certainly it had been strange self-denial in the Judges, and a neglect of themselves (which is not usual with them) to have alledged an Incurable Disability in the King, from whom they had their Patents and Authority.

In the next place let us consider what President the Judges cite to justify this opinion of theirs, and how opposite it is. *Henry* the Sixth being driven out of the Kingdom by *Edward* the Fourth, the Conqueror call'd a Parliament, and got an Act to pass, whereby *Henry* was disabled to hold the Crown. About ten years after, *Henry* regains the Kingdom, and upon this re-accession to the Crown (as 'tis usually call'd) this Act is never repeal'd. But does not every Child see the Reasons of it? For if *Henry* was lawful King (and before he was not to doubt that) the Act itself was void in as much as it wanted the Royal Assent. So that for him to have procured an Act of Repeal had been to affirm a Title to the Crown in *Edward*. But without doubt this Opinion of the Judges, as 'tis apply'd by the Objectors, was new and unheard of before. We see the King of *France* was otherwise informed by the learned Men in the time of King *John*, for they thought his blood corrupted, and him incapable of taking the Crown by Descent, because he was Attainted of Treason, which prevailed with that King to send over his Son *Lewis*, to put his claim in right of his Wife, who was the next Heir. It also ought to be observed, That the true Reason why the generality of the Nation did so long approve the Title of the House of *Lancaster*, was because all the Princes of the House of *York* were Attainted of Treason, and their Blood corrupted. But as soon as ever this corruption was purged, and *Richard* Duke of *York* was declared Heir apparent by Parliament, the People soon forsook the *Lancastrians*, and set the House of *York* in the Throne.

Max. Westm.
275. *supra*.

Nay, the very learned Men of the same Age with these Judges, though quite otherwise, as will appear beyond contradiction in this famous Case which follows. *Richard* the Third had two Elder Brothers, *Edward* and *George* Duke of *Clarence*. *Richard* designing to secure the Crown to himself, had procured the Children of *Edward* to be declared Illegitimate, yet still the Duke of *Clarence* had Issue living which might pretend. But observe what the Parliament say (as to this) in the first year of *Richard* the Third: "That in the seventeenth year of *Edward* the Fourth, *George* Duke of *Clarence* was Attainted of Treason, by reason whereof all the Issue of the said *George* was, and is Disabled and Barred of all Right and Claim, that in any case he or his Issue might have or challenge by Inheritance to the Crown and Dignity Royal of these Realms. After that we consider that you be the undoubted Heir, &c. And so they proceed, affirming that all Learned men in the Laws do approve his Title. You see within less than three years before this opinion of the Judges, The whole Parliament do not only give their opinion, but assure you that all Learned Men of that time held clearly that an Attainder did hinder the descent of the Crown, and incapacitate the Person to take it. Nay, what goes yet farther in this matter, *Richard* himself, though he was as jealous to secure his Title as ever Tyrant was, and had as good advice to discern the most distant danger: Though he was always restless in endeavouring to get the Earl of *Richmond* into his Hands, who was a very remote Pretender, and only descended from a Bastard of the House of *Lancaster*, yet he feared nothing on this side. He knew how he had wronged the Children of his Brother *Edward*, and could not be at ease till he had sent them out of the World, but he let the Children of his Brother *Clarence* live, without apprehending any danger from them because their blood was corrupted, and all possibility of Descent taken from them by the Attainder of their Father. It was this only preserved them alive, and not any remorse of Conscience or any niceness in sending another Nephew out of the World after those whom he had dispatcht before. This notable case attended with these circumstances, will convince every man either that the Judges intended no such thing by their opinion as some Men fancy, or else at least that extra-judicial opinions were then as Apocryphal as they have been since.

7 Sup. & Cott.
Rec. 709.

Consider, Lastly, the unreasonableness of this Doctrine which tends directly to subvert Government, and to put the life of the King Regnant into the hands of his

Successor. The next Heir may commit Rapes and Murders, and Treasons, burn Cities or betray Fleets, may conspire the life of his Prince, and yet after all, if by Flight or Force he can save himself, till some of his Accomplices can get the King dispatcht, in spite of all Laws and Justice he must come to the Crown, and be Innocent.

Burn Hist. Ref.
lib. 2. fol. 156.

But when I reflect what sort of Men I am arguing with, and how willingly they use to submit to Authority, I think I shall conceive them best by citing the Opinions of two great Men, the one a Cardinal, the other a Lord-Chancellor, both of them Martyrs for the Papal Supremacy, I mean *Fisher* and *Sir Thomas Moor*. And if their Judgments approve the power of Parliaments in the business of the Succession, it cannot but weigh very much on such occasions as this. 'Tis well known how resolution even to death they refused the Oath of Succession which the Parliament had framed, because therein the King's Supremacy was avow'd, and therefore they cannot be suspected to dissimble, when at the very same time they declared, That if that of Supremacy was left out, they would willingly swear an Oath to maintain the Succession of the Crown to the Issue of the Kings present Marriage, as it was then established by Parliament, and gave this reason for it, that this was in the power of a Parliament to determine; but not who was supreme head of the Church. *Sir Thomas Moor* went further, and own'd a very strange opinion of their power in this point. But he says expressly at the same time, That the Parliament had unquestionable Authority in the ordering of the Succession, and that the people were bound to obey them therein.

After the Testimonies of these two great Papists, it will be little to add the Testimony of a Protestant. But yet I will mention what *Sir Walter Rawleigh* (who was no inconsiderable man, enough a Protestant) says in his Incomparable Preface to the History of the World: Without doubt (says he) Human Reason would have judged no other wise but that *Henry the Fourth* had rendered the Succession as unquestionable by the Act of Parliament which he had procured to entail it on his Issues, as by his own Act he had left his enemies powerless.

But linking Men catch hold of every thing, and when they cannot object to the validity, they will tell us, That such an Act of Parliament to disinherit the next heir is unjust and without a sufficient ground.

I will not at present enter into the dispute how far the difference of Religion, which will also necessarily draw on a change in the Government, does justify men in seeking to prevent the two dearest things on earth in an orderly and lawful way. I will not (though I safely might) challenge these Men to tell me, whether ever any settled Nation which had Laws of their own, and were not under the immediate force of Conqueror, did ever admit of a King of another Religion than their own. I will not insist on it that the Crown is not a bare Inheritance, but an Inheritance accompanying an Office of Trust, and that if a Mans defects render him incapable of the Trust, he has also forfeited the Inheritance. I need not say how far a Nation is to be excused for executing Justice summarily, and without the tedious formalities of Law, when the necessity of things require haste, and the party flies from Justice, and his confederates are numerous and daring, and the Princes life in danger.

But this I will say, That if the Parliament have power in this thing, which I need not prove, by shewing that the ordinary course of Law allows Heirs to be disinherited of Fines and Recoveries, and the Parliament in all Ages has frequently done it by making Acts to alter the strongest Settlements, where Equity has Dictated it, though the Heirs were never in any wise criminal. There, according to *Sir Thomas Moor's* Opinion, the people are bound in Conscience to obey their Laws, and must not pretend to enquire, whether they were made upon just grounds. For by the same Reason they may pretend That all other Laws were made without just cause, and refuse obedience to any of them. And surely those that should do so, would be an Excellent Loyal Party. God defend this Nation from such Loyalty, as opposes it self to the King and the Laws, and God defend the King from the pretended Duty and Submission of those Men, who whilst they talk of his power so much renounce it openly, and oppose what would be the greatest security of his Person, and in effect set up his Successor above him, even in his Lifetime.

A N

AN
 APPEAL
 FROM THE
 COUNTRY
 TO THE
 CITY,

For the Preservation of His
 MAJESTIES PERSON, LIBERTY, PROPERTY;
 AND THE
 Protestant Religion.

Most Brave and Noble Citizens.

As the City of London is the great Metropolis and Soul of our once flourishing and glorious Kingdom, so it is no small Honour to you, the Inhabitants thereof, to be Citizens of so brave a City. Wherefore 'tis the Hopes of the whole Nation, that you have Spirits and Courage to act according to the Character you bear, that upon all necessary Occasions you may vindicate the just Concerns of your City: In them we are all involved; with you we stand, and with you we fall; your example directs our conduct, and they who desire to lay you in Ashes are the only Persons who would Subvert our Religion and Popery; for when you are once ruined, the next thing will be, *Up Ahab, and take possession.*

Now gentlemen, before we represent to you the Estate of our misery, and Ground of our jealousies and fears, 'tis our humble request, that those who have most Power amongst you, would so far trouble themselves, as to go to the top of your new raised Pyramid, and from thence take a Survey of that magnificent Pile of Building, whereof you are yet Masters: In which Posture, to intimate you with the *English* Spirits, be pleas'd to fancy to your selves these following Objects which you will infallibly see come to pass, when ever Popery prevails.

First, Imagine you see the whole Town in a Flame, occasioned this second time, by the same Popish Malice, which set it on Fire before. At the same instant,
 lllli
 Fancy,

Fancy, that amongst the distracted Crowd, you behold Troops of Papists ravishing your Wives and your Daughters, dashing your little Childrens Brains out against the Walls, plundering your Houses, and cutting your own Throats, by the Name of Heretick Dogs. Then represent to your selves the Tower playing off its Cannon, and battering down your Houses about your Ears. Also casting your Eye towards *Smithfield*, imagine you see your Father, or of your Mother, or some of your nearest and dearest Relations, tyed to a Stake in the midst of Flames, when with Hands and Eyes lifted up to Heaven, they scream and cry out to that God, for whose Cause they dye; which was a frequent Spectacle the last time Popery reign'd amongst us. Fancy you behold those beautiful Churches, erected for the true Worship of God, abused and turned into idolatrous Temples, to the Dishonour of Christ, and Scandal of Religion; the Ministers of Gods Holy Word torn in pieces before your Eyes, and their very best Friends not daring even to speak in their Behalf: Your Trading's bad, and in a manner lost already, but then the only Commodity will be Fire and Sword; the only Object, Women running with their Hair about their Ears, Men covered with Blood, Children sprawling under Horses Feet, and only the Walls of Houses left standing: When those that survive this fatal Day, may sigh and cry, Here once stood my Houle, there my Friends, and here my Kinsmans: But alas, that time is past! The only Noise will then be, O my Wife! O my Husband! O my dearest Children! In fine, what the Devil himself would do, were he here upon Earth, will in his Absence infallibly be acted by the Agents the Papists; those who had so much Ingratitude and baseness, to attempt the Life of a Prince so indulgent to them, will hardly be less Cruel to any of his Protestant Subjects.

*Wake drowsie Subjects, and prevent your Doom,
Let England not be twice enslaved by Rome.*

If the approaching Ruine of the Father could open the dumb Sons Mouth, then all that either are true Protestants, good *English-men*, or Well-wishers to the Interest of this Nation, have now the same reason to speak and complain, when, without a Miracle, our apparent Ruine is at hand, the Sword already hangs over our Heads, and seems to be supported by no stronger Force than that of one single Hair; his Majesties Life. We in the County have done our Parts, in choosing for the generality good Members to serve in Parliament; but if (as our two last Parliaments were) they must be dissolved or prorogued, when ever they come to redress the Grievances of the Subject, we may be pitied, but not blamed. If the Plot takes effect (as in all probability it will) our Parliaments are not then to be condemned, for that their not being suffered to sit occasioned it. The Plot is now got so far out of our Enemies reach, that no subtle Evasion or Trick can ever hope to extinguish it; wherefore they must either suffer all to come out, or begin by Force to justify it, which we see they are going to do, by endeavouring to get those worthy and brave Commanders banished, who (as they think) are the most likely Persons to conduct and lead us up against any popish Army; the Wolf hath nothing more to do, but to destroy the Shepherd, and then fall upon the naked Sheep. But Gentlemen, be not dismayed, the Lord of Hosts will be on your sides; for so long as you fight his Cause, he will fight your Battels; and if God be for you, who dares be against you? Fear nothing, but as your Interests are united, so let your Resolutions be the same; and the first hour wherein you hear of the Kings untimely End, let no other Noise be heard among you, but that of Arm, Arm, to revenge your Sovereigns Death, both upon his Murderers, and their whole Party, for that there is no such thing as an *English* Papist, who is not in the Plot, at least in his good Wishes. Let not Fear of losing part by your Action, make you lose the whole by your Patience: Think not to fear better then the rest, by meddling less, for that Conquerors Promises are never kept, especially coming from that sort of People, whose Maxim it is, never to keep their Words with Hereticks. Wherefore, if ever a Popish Successor comes amongst you, let his Promises of keeping your Religion and Laws, or of his Conversion, be never so plausible credit them not; for if you do, you will infallibly be deceived, and in time find them to be but like the Bait to a Mousetrap. Or if you think to bind and fetter him by Laws, that will be no better than the wise Men of *Gothams* hedging in the Cuckow; for when he (as all other Popish Kings do) governs by an Army, what will all your Laws signify? You will not then have Parliaments to appeal to; he and his Council will levy his Arbitrary Taxes, and his Army shall gather them for him: Therefore you may much easier prevent the Distemper at first, than remedy it when it has once got a Head. Now Gentlemen, lest any amongst you should be ignorant, either of your Enemies, or their Designs, both against the King and Kingdom, be pleased to consider what follows, and then think how to prevent it.

First,

First then, That you may know who are your Enemies at this time: They are young beggary Officers, Courtiers, over-hot Church-men and Papiſts. The young Officer or Souldier his Interest makes him wish for a standing Army, not considering any further then his own Pay and Plunder, and so help us to ruine you that way. The Courtier endeavours to advance Taxes, oppress the People by vast and illegal Impositions, when looking upon his Prince but as his Ox, he fattens him upon his Neighbours Pasture, only for his own eating. Over-hot Church-men are bribed to wish well to Popery, by the hopes (if not of a Cardinals Cap) yet at least of a Command over some Abby, Priory, or other Ecclesiastick Preferment, whereof the Roman Church hath so great plenty. These are the Men who exclaim against our Parliaments Proceedings, in relation to the Plot, as too violent, calling these Times by no other Name but that of Forty or Forty one, when to amuse us well, his Sacred Majesty, as his good People, they again threaten us with another Forty eight, and all this is done to vindicate under-hand the Catholick Party, by throwing a Suspicion on the Fanaticks. These are the Gentlemen, who so magnifie the Principles of Bishop *Land*, and so much extol the Writings of the late same spirited Prelate Dr. *Heylin*, who hath made more Papiſts by his Books, than Christians by his Sermons. These are those Episcopal Tantivies, who make even the very Scriptures Pimp for the Court, who but of *Urim* and *Thummim* can extort a Sermon, to prove the not paying of Tithes and Taxes to be the Sin against the Holy Ghost; and had rather see the Kingdom run down with Blood, than part with the least Hem of a consecrated Frock, which they themselves made Holy. These are the Persons who commend *Oates* and *Bedloe*, but yet find fault with their Evidence, when by crediting some part of the Plot, and suspecting the rest, by speaking three words for it, and two against it, they cunningly endeavour to invalidate the whole. Lastly, The chief and most dangerous of your Enemies are Papiſts, who to make sure of their own Game, allure all the threeforementioned Parties to their side, by the Arguments aforesaid. Their Design is to bring in Popery, which they can no ways effect, but either by a Popish Successor, or by the French Arms: The first of these we may out selves prevent; and for the latter, if they conquer, they will undoubtedly conquer for themselves, and not for him that brought them in. And if we ever should be reduced to that Extremity, either to submit to the French, or to our own Popish Successor, every Man that hath any Brains or Generosity, will soon find it his Interest of the two, rather to submit to a Foreign Power, who hath not violated the Laws of Nature, in fighting against his own Subjects, and who will also be less revengeful, and more likely to let us enjoy our own Religion and Liberties, than any Popish Successor will: Besides, 'tis natural for every noble Spirit to bear a Cudgelling from another Mans Servant with less regret than from his own; however, God deliver us from both.

In the next place, to discover to you how long this Plot hath been on foot, I must acknowledge that there is some coherence between the beginning of the late Civil Wars, and this our present Age; for as well then as now, the ambitious Popish and French Faction were the chief, nay, the only Incendiaries which set us all in a Flame; the Catholick Cause, like the Chestnut in the Fable, hath ever since Queen *Maries* Reign been the Fire: Wherefore, as the Fox made use of the Apes, so both then and now the Papiſts make use of the Episcopal and Court-Parties Claw to take it out; the first of these they allure to their Assistance, by the Fright of *Presbytery*; the latter, by the apprehension of a Republick: Although nothing is less designed, or more improbable. Secretary *Windebank* many Orders (which stand recorded at this day) to secure the Roman Catholicks from the Execution of all Penal Laws against them, in the late Kings time, are a sufficient Evidence, that they then received no less Countenance than now; and for that vain Pretence of their Loyalty to the late King, nothing will appear more ridiculous, if we consider, 1. That they had no other Party to expect any Advantage from, for that no Government but Monarchy, can in England ever support or favour that Religion; neither (notwithstanding their many Offers) could they ever be entertained or received by the Parliament-party, unless 'twas under a Disguise, which many for that purpose made use of: So as their Loyalty and good Service paid to the King was meerly in their own Defence, well knowing, that the Foundation of those Commotions, was only in opposition to their Party: Who as well then as now, had a desire to run the Hazard of a War. Secondly and lastly, Their Fidelity to their Sovereign appeared in its true Colours, when they were so earnestly with *Oliver* to accept of the Crown; which shewed, that since no thing but a crowned Head could do good to the Popish Religion, they did not care who wore it, so long as it was but worn. Now in the acquainting you herewith, I do in effect shew you what is at this time acting amongst them, for 'tis the same Play, though an old one newly revived; and as that which the Papiſts then acted, was laid upon the Fanaticks, so was the like to have been done in this present Plot; in order whereunto, just before the discovery of the same, they had seiz'd upon, and imprisoned one

Mr.

Mr. Claypole, for having (as they pretended) a design to Murther His Sacred Majesty; thinking, when it was once reported abroad, that he and the Old *Oliverian* Party had a Conspiracy to take away the King's Life, then in the mean while the *Papists* themselves might safely do it (as we see they had at that time, viz. August 1678. resolved upon) and that then it would all have gone upon the *Non-Conformists* score; for however there was never any person living more generous and obliging to the King's whole Party, than this very Man the Lord Claypole was, when he bore that Honour; yet he having married *Oliver Cromwell's* Daughter, rendered him a fit Subject to put this Trick upon: Which by Dr. *Oates's* discovery of the Plot, came to light, the Evidence against him vanished and the poor Gentleman releas'd. Much such another design was that of the *Papists* in *Scotland*, who first by their Counsels procured the poor Inhabitants to be oppressed, and then sending their disguis'd Priests and Emissaries amongst them, encouraged the poor silly Natives to Mutiny against those oppressions, hoping yet by this second Stratagem to cast the Plot upon the *Presbyterians*: For not only Dr. *Oates* mentions this in his Evidence, but we all know the *Papists* themselves were so well assured of this Raising, before it happen'd; that at the disbanding of this late *Popish* Army many of the Officers and Souldiers had secret orders not to sell their Horses, but to be in a readiness, for that they should have occasion to use them again within a Fortnight; and so it happen'd, for within less than a Fortnight after the disbanding, the Rebellion broke out in *Scotland*: So well acquainted were the Authors of this mischief, with the time when it would happen. Now this Insurrection was in two respects advantageous to the *Catholic* Party; for first, among Foreigners and Strangers who were not acquainted with their Intrigues, it seem'd to cast the Plot upon the *Non-Conformists*; and secondly, being beaten by the King's Forces (whereof no other was to be expected) it might make both them and us less apt to rise upon any account whatsoever. But here give me leave to present you with one Observation, which is, that if this had been a Fanatical Plot, the same Party would certainly have risen in *England*, at the same time when their Brethren of *Scotland* were in Arms, the encouraging of one another being of more consequence to both, then the expectation of the others success.

Considerati-
on III.

After the *Catholics* had thus brought the Fathers Head to the Block, and sent the young Princes into Exile, let us reflect upon their usage of them in *France*; and see whether the kindness that the *French Catholics* then paid to our King, was sufficient to bring us into that Misery wherein we are immers'd, by so entirely Espousing the *French* and *Papists* Cause, even almost to the destruction of the *Protestant Religion*, and ruin of all Christendom besides. Did their banishing of His Majesty, and slighting of him whilst he was amongst them, deserve this kindness at our hands? What charitable Christian are we grown, thus to return good for evil? I must confess they did ever Treat his *R. H.* with some respect, as finding him to retain more favourable inclinations both towards their Religion and Government, than His gracious Majesty did; whose understanding and wit, as it made him condemn their Superstitious Idolatry and Fopperies; so did his lenity and good Nature, render their Tyranny altogether odious in his sight: Besides, if His Majesty had then discovered in himself the least inclinations to *Popery*, it might in all probability have rendred the Crown of *England* unaccessible. However, I cannot but ascribe great part of our present Calamities, to his Highnesses Education in that Arbitrary and *Popish* Government: With what eagerness have we assisted them in their Conquests, even to the Defamation of our own Honour, and Violation of our publick Faith with all the rest of Christendom? We first made Them an Idol, and now we Worship it; we first taught them the Art of Navigation, and now are ready to strike Sail to them our selves. Not any new invention that is of use either in Building Ships, or making Ordnance, can be discover'd here, but immediately we charitable *English* (for fear we should be too strong for them) must communicate it to our dear Brethren the *French*. Nor have we been altogether unkind to the rest of our Neighbours, when by procuring a general Peace, we have plucked the Thorns out of their Feet, to put them in our own; made a Peace for them, in order to bring a War upon our selves. I confess, when I think how faithful we have been to the *French* in all these late Wars, as also how much Service our *English* Cannon (whereof we have too great plenty) did them at their Siege of *Valenciennes*, I cannot but call to mind *Commines's* relation of King *Lewis* the Eleventh's bribing our *English* Council, paying at that time yearly Pensions to the Lord Chancellor, Master of the Rolls, *Hastings* Lord High Chamberlain, Lord *Howard*, and all other persons who had any power or interest with their Master King *Edward*; for if something of this nature did not prevail amongst us. His Majesty would never have adher'd to any but the *Dutch*, whose perpetual Interest it is to keep the Crown upon his Head, for that nothing would so much advantage *France*, and ruin *Holland*, as to have *England* become a Common-wealth; when like *Rome* and *Carthage*, being continually clashing together, the *French* might in time ruin both.

Having

Having but now mentioned *Commynes*, give me leave to insert another Story of his, which may be very much to our purpose, to shew you that when God designs the destruction of a King or People, he maketh them deaf to all discoveries, be they never so obvious. This account is concerning the Duke of *Burgundy*, who being at War with *Lewis* the XI. of *France*, entertained as his chief Minister and Favourite the Earl of *Campobache*, upon whom he bestowed great Gifts, committing to his care his whole concerns: But this Earl having no sense either of Honour or Gratitude, took the advantage of his Masters the Dukes troubles, and set up a resolution to destroy him. For which end and purpose, he began under-hand to Treat both with the Duke of *Lorain*, and with divers of the Kings Officers that were Quartered in *Champaigne*, near to the Dukes Camp. Now to the Duke of *Lorain* he promised so to order the matter, that this Siege of his Masters (the Duke of *Burgundy*) against *Nancy*, should take no effect; for he would take care that such things as were necessary either for the Siege or Battery, should be wanting: Which promise he was able to perform, for that the principal charge thereof was committed to him, neither had any Man so great Authority as he, in the Army under the Duke of *Burgundy*. But to the Kings Officers he promised either to kill his Master, or take him Prisoner, demanding for his recompence thereof, the charge of those 400 Lances which he had then in keeping, with 10000 Crowns in ready Money, and some good Earldom in *France*. Now whilst the Earl of *Campobache* was plotting these Treasons, one *Cifron* a Gentleman belonging to the Duke, and that was acquainted with this Earls's Conspiracy, happened (in attempting to relieve the Town of *Nancy*) to be taken Prisoner by the Duke of *Burgundy*, who was set down before it: Whereupon this *Cifron* being condemned to die, in hopes of a Pardon, offered that if the Duke would give him Audience, he would reveal a Secret to him which concerned his Life; whereof certain Gentlemen (to whom *Cifron* had told this) went to advertise the Duke, with whom at their Arrival they found this Earl of *Campobache*, come hither (as was supposed) on purpose to be always ready; fearing lest *Cifron*, to save his own Life, should have any such intent to reveal the Conspiracy. The Duke returned this Answer to the Gentlemen, who brought him the Message, That the Prisoner used this delay only to respite his own Death, and commanded them that he should discover what he knew to them; which way the Earl of *Campobache* well approved of. Upon this *Cifron* repli'd, that he would communicate it to no Man but the Duke of *Burgundy* himself: So that he was again by the Dukes special command led out to Execution; but in his way thither, he desired divers Gentlemen once more to acquaint their Master from him, that it was such a Secret that the Duke would not for a Dutchy but know. Many hearing this, went again to intreat the Duke to vouchsafe him a hearing; but this treacherous Earl, keeping the Dukes Chamber door, would not permit these Gentlemen to enter, saying, that the Duke had resolv'd to hear no further from him; wherefore he dispatched away new Messengers to the *Provost*, to hasten his Execution. Thus was this *Cifron* Hang'd, to the utter ruin of the Duke of *Burgundy*, his House, and his Dominions; so infatuated was his understanding. After this our wicked Earl began to put in practice his Treachery, for the which purpose he agreed first with a *French Wake-man* or Physician dwelling in *Lyons*, call'd Mr. *Simon* of *Parvia*; and afterwards with the Kings Ambassador in *Savoy*: Neither of which ways succeeding, he offer'd to flee with all his Forces from his Master to King *Lewis*; but the King detecting such Treasons of a Servant against his Master, sent by the Lord *Comte* to acquaint the Duke of *Burgundy* with it: But the Duke (as if he had been himself in the Plot against his own Life) was so Sortish and Stupid a Prince, that he receiv'd this second warning with no more sense than the former, saying, That if this discovery were true, the King (being his Enemy) would never have advertised him thereof; whereof he ever after that loved the Earl rather better than before. But this folly of his was justly rewarded; for in a short time after, when the Duke of *Burgundy* and the Duke of *Lorain* were engaged, this Earl of *Campobache*, with many of his Forces, revolted to the Enemy, whereby the Duke of *Burgundy*'s Forces were routed, and he himself actually Slain. Never did Prince fall more unpitied than this Duke did; nor did his People know which most to blame of the two, either he who began this Conspiracy, by his wickedness, or the Duke himself, who gave it success, by his folly: The application of which Story, I shall leave for you to make.

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Considerati-
on. IV.
Phil.Com.1.
5.c.6.8.

Consideration
V.

There are four several Arguments, which many times prevail with Princes, to be incredulous of all pretended Conspiracies against themselves. The first is drawn from their being in or made privy themselves to, part of the Plot; but not the whole. The second, From their own good nature and clemency. The third, from the nature of the Evidence. And the fourth, from the Nature and Interest of the pretended Conspirators. To begin then with the first: When the Prince hath been made acquainted with the Design of introducing a new Government, or new Religion, but not with the Design of taking away his own Life, this sometimes hath prevail'd with him not to believe, that the same Party with whom he himself is in a Conspiracy, should have any such other Plot against his Life. But this I hope is not our case, for that no Religion or Government can be so much for his Majesties advantage, as that which is established amongst us: Since in *Popery*, although his Majesty would be made absolute over his Subjects, yet his slavery to the *Pope* would be so great, that as well his Liberty as his Revenues would be much less than now. For besides the vast sums of Money that would then go from the Exchequer to the Church, I dare boldly affirm, that had his Majesty been never so absolute, he could not in this time have squeezed more Money from the Subject, than he hath already received in Taxes since his coming in; and that must have been done by a standing Army, which would make him Odious, and eat up half his profit. 'Tis policy in the Prince not to take away all at once, but to leave a Nest-Egg, if he designs they should lay again; but for the Church of *Rome*, who ever reads our Chronicles will find, that no School-boys have been greater Slaves to their Masters, than many of our *English Kings* were to the *Pope*; and those who were above his Discipline, the *Romish Church* ever found some way or other to cut him off, either by setting his own People against him, as they did by King *John*, or by some infallible Catholick Poyson, or by some bloody *Godfrey Dagger*. King *Edgar* for his Incontinency was enjoyn'd by *Dunstan* Abbot of *Glasenbury*, not to wear his Crown for seven Years, to which he was forced to submit. King *Henry II.* to expiate the Murder of *Thomas Becket* (committed by his Courtiers) was forced to walk barefooted three miles to visit his Shrine; and then to receive fourscore lashes upon his bare back from the Monks. King *John* for opposing *Pope Innocent III.* was (after interdicting the Realm for six years and three Months) forced to render his Crown to *Pandolphus* the *Pope's Legat*; and take it again in Fee-farm at the Rent of a thousand Marks yearly; nor did this satisfy the *Pope's* Malice, for he was at last Poysoned in *Winsted Abbey* by one *Simon* a Monk. Furthermore to let you see, that in the time of *Popery* Princes lived not so peaceable as now, be pleased to observe, that betwixt the Conquest and our Reformation, seven of our *English Kings* were Murdered, viz. King *John*, *Richard I.* *Edward II.* *Richard III.* *Edward V.* *Henry VI.* and *Richard III.* (not to mention the Emperor *Henry VII.* who was Poysoned in the *Eucharist* by one *Bernard* a Monk, nor *Henry III.* of *France*, stabb'd by *Clement* the Monk, nor *Henry IV.* of *France*, stabb'd by *Ravillac*, or those many hundred Examples of this nature, which I could produce out of other Chronicles.) So that whatever Prince considers these things aright, I think he can have no Interest to introduce *Popery*, unless he desires either to be whipped by a Monk, or stabb'd or Poyson'd by a Jesuit; for in such a case, 'tis the Jesuits that Govern and not the King.

Consideration
VI.

The second Motive, which may incline a Prince to dis-believe the Report of a Plot, is from his own good Nature and Clemency, which makes him not expect any ill from those to whom he has been so kind. But this is a fallacious way of arguing, for a Prince who would preserve himself against Conspiracy, is to have an Eye rather upon those he has obliged; than those he has offended, for those that are offended, have not such frequent Opportunities, nor such easie Accesses to him as the other have; and for their Disposition, it is much alike, the Desire of Dominion, being as great, if not greater, than the Desire of Revenge. We see therefore, that where any great Conspiracy has been made, it has been most commonly begun by such as were most familiar with the Prince, and most in his Favour; for so it was in the Conspiracy of *Perennius* against *Commodus*, *Plautianus* against *Severus*, *Sejanus* against *Tiberius*; all which were Favorites, and highly obliged by their several Emperors. So that whatever Prince trusts too much to the Friendship of his dearest Favorites, nay, to his own Brother, may sometimes find himself deceived. The Earl of *Campobache* (whom I mentioned before)

before) had received Favours, sufficient to have obliged him more faithfully to his Master the Duke, than he afterwards proved. *Brutus* was as dear, and (many think) as nearly related to *Cæsar*, as any Brother, but yet we see he had a hand in his Murther. The nearer a Friend is, the nearer is he to be my Heir, therefore the more likely to wish my Death. Friends are oftentimes as dear to us as our Relations, therefore the Laws of Kindred may as well be violated as the Laws of Friendship, then which, nothing is more usual. Who betrays you in your Bed? Your Friend, for your Enemy is not admitted to your House. Who betrays you in your Estate? Your Friend, for your Enemy is not made your Trustee: So that nothing is more dangerous than a blind Friendship. The *Turks* well know, how much more prevalent Interest is amongst Brothers than Affection, which makes the Laws of their Empire take so severe a Course with the *Grand Seignior's* younger Brothers. How many Princes have been ruin'd by their next impatient Heirs, nay, even sometimes by their own Sons? That most prodigious Empire which *Tamberlain* the Great had acquired, how was it torn in pieces, and destroyed by a Division betwixt his two Sons? Did not *Cain* kill *Abel*? And was not *Joseph* sold into *Egypt* by his Brethren? Had not *Agrippina* her *Wake-man*, wherewith she poysoned her own Husband, the Emperor *Claudius*? And was not she her self afterwards killed by her own Son *Nero*? If (as we often see) little petty Interests make one Brother wish the others Death, how much more prevalent will the Interest of a Crown be? Nay, of two Crowns, viz. one here and another hereafter in Heaven, promised him by an old Fellow with a bald Pate, and a spade Beard: *Si violandum est jus, violandum est Regnandi gratia*. And besides all this, when a Successor observes that the Life of one single Person, not only keeps him from three Kingdoms, but also makes him, his Family, and whole Party, be Banished and Persecuted, you must needs acknowledge, that he lies under a great Temptation to violate the sixth Commandment: Which things being considered, together with that Law which wipes of all Attainders, whether of Treason or Murther, by the Descent of the Crown, I cannot but think that a Prince's good Nature renders him secure only in his own Conceit, and not in Reality. We all know that his *R. H.* hath held Correspondence with Cardinal *Norfolk*, and other the Popes Nuncio's, about introducing Popery; and we are likewise inform'd, that Popery was to be introduced by the King's Death: So how a Man could be privy to the Effect, without being acquainted with the Means, seems very prodigious.

Thirdly, Most Princes believe or dis-believe the Information which is given them of a Plot, according to the Nature of the Evidence, and Credit of the Informants. First, For the Nature of the Evidence, what is it? That they had a Design to murder the King, and introduce Popery. What is there improbable in all this? Was there never any Prince murdered before by a Conspiracy? Was there never any Attempt before, to introduce into a Country a new Religion? Why then have we so many Laws made to prevent such a thing, if it seems so improbable ever to be done? When the *Romans* forbear to make any Law against Parricide, it was out of a Presumption that it would never be acted: But we all know, that these are things which the Papists have several times before attempted amongst us; witness the Gunpowder-Treason, the Invasion of the *Spaniards* in Eighty Eight, and their many Attempts both against Queen *Elizabeth's* and King *James's* Persons. So that I cannot apprehend any thing strange in their Relation: The only Miracle that appears to me, is, that any one (but those that are in the Plot) should question the truth of it; especially when they consider the wonderful manner of its Discovery, wherein the Providence of God appeared most remarkable, that still as one Mans Evidence has been censured, a fresh Witness hath risen up to supply and strengthen the former. Had this Plot been a forged Contrivance of their own; they would at the very first Discovery of it, have had half a dozen or half a score crafty Fellows, ready to have attested all the same things; whereas on the contrary (notwithstanding we are now on a burning Scent) we were fain, till here of late, to pick out by little and little, all upon a cold Scent, and that stained too by the Tricks and Malice of our Enemies: So that had we not had some such good Hunt-men, as the right Noble Earl of *Shaftsbury*, and our late Secret Committee, to manage the Case for us, our Hounds must needs have been baffled, and the Game lost. In my whole Life-time, of all the Histories I have ever read or

heard

heard of, I do not remember to have met with any Action more bold or gallant, than was that of Dr. Oates's Discovery; for one single Man (as he did) to fly in the Face of so prevailing a Party as they were, without any Second to back him; to persist and justify his Evidence, after the many Discouragements were at first shewed him; to accuse Persons of that high Quality, Power and Revenge, when *Everard* had before been denied the Benefit of the Sun, and kept close Prisoner in a Dungeon for four Years together, only for coming over to discover, that the Papists beyond Sea had a Design to bring in Popery here: When Justice *Godfrey* had been murdered, only for acquainting the Council with what he told him; and yet for him to adhere to his Information, certainly nothing could be more bold or brave. How many, and how great Discouragements hath this Discovery met with: First, When the Lord of *Danby* was so long acquainted with it, and concealed it time enough for the Plotters to convey away both their Persons and Papers. Secondly, the Visit of her R. H. to see the Princess in *Flanders*, at the first breaking out of the Plot, in which Voyage many Priests, Jesuits and Plotters made their Escape. Thirdly, The Conveying away all *Coleman's* Letters, which treated of these two last Years. Fourthly, The getting *Prance* to recede three several times backward and forward from his own Evidence. Fifthly, The suffering Priests to have access to tamper with the condemned Plotters in *Newgate*, to make them deny all, and with a Lye in their Mouths, dye as innocent as the Child unborn. Sixthly, These frequent Dissolutions and Prorogations of Parliaments, to prevent the Tryal of the Lords. Seventhly, Suffering Sir *Philip Floyd*, Clerk of the Council, at the Tryal of *Wakeman*, to come to testify against the King, in the behalf of the Prisoner, what he heard at the Council-Table, a Place where all things that are done, ought to be kept secret, and so had this had it not been in favour of *Wakeman*. Eighthly, The freeing *Wakeman* and questioning the Truth of that very same Evidence, whereon the same Judge had hanged so many before: But however my Lord Chief Justice and the Jury had so good an Opinion of his Innocence, yet Sir *George* himself had not so, as appears by his flying away beyond Sea, so soon as ever his Tryal was over. These and innumerable other Discouragements hath the Plot met with, which being observed, together with the due Circumstances of the Evidence, I think no Man that is not in the whole, or part of the Plot himself, can doubt the Verity of it. Indeed at the first, many thought to cast a Suspicion upon what *Oates* and *Bedlow* informed, as being two Persons of an idle Life and Conversation; but how ridiculous is this? As if such Rogues would trust such a Villany with honest Men, or any but those that had been as bad as themselves; you might as well expect a Highway-man should go and acquaint my Lord Chief Justice, or my Lord of *Canterbury*, when he meant to commit the next Robbery; but a bad shift is better than none at all. So that from the Nature of the Evidence, or Credit of the Informants, no Man can take Exception against the Information, either of Dr. *Oates*, Mr. *Bedlow*, or any of the rest, to whom Mr. *Jennison* had lately given no small Credit, in discovering the four Villains, that (as Mr. *Oates* had said) were to have assassinated his Majesty at *Windsor*.

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The fourth and last Argument (which may sometimes prevail with the Prince to disbelieve any Report of a Conspiracy) is taken from the Nature and Interest of the pretended Conspirators; but neither of these Motives can pretend to influence our Prince into a Disbelief of this Popish Plot: For first, as to their Nature and Principles, we all know, that in one of their own Councils, viz. the *Lateran*, were introduced those two Hellish Tenets of murdering Kings, and eating their God: But the Papists will tell you, that they do not murder Kings, for the Pope he first deposes them at *Rome*, and then if they kill him, they kill but a private Person: We all likewise know, that 'tis held an Act of Merit amongst them, to murder an Heretick, witness their Massacre of the poor Protestants at *Paris*; and to murder a Husband, a Brother, or any such near Relation that is an Heretick, the greater is the Merit, by reason of the Self-denial and Injury done to our selves, in the loss of so near a Friend; but to murder an Heretick King (especially where there is a Popish Successor) they hold to be the greatest of all Merits, even sufficient to canonize him for a Saint, by reason of the vast Advantage will thereby accrue to the Popish Religion, not doubting but that the rest of the Kingdom will, *Regis ad exemplum*, soon after turn Papists. Having thus therefore shewed them

them to be prepared with Principles, sufficient to undertake any such Villany, let us in the next place examine their Interest, as it stands at this time, where we shall find, that their Interest does unavoidably excite them to Murder his Sacred Majesty. For first, They know he cannot long subsist without a considerable Sum of Money, which he must receive, either from their Party, or from the Parliament: Now for them to supply him with so vast a Sum, is a Charge, that (you may well imagine) they would desire to get rid of if they could, though by the Kings Death: On the other side, for the Parliament to supply him with Money, that they know cannot be done, but by taking off the Heads of their Faction, excluding their Succession, and consenting to such Laws as must of necessity ruine them: Besides, his Majesty hath already permitted the executing of so many of their Party, as they never can or will forgive it. All which put together, with the great Expectation they have from a Popish Successor, will make them vigorously and speedily attempt the Kings Ruine, unless he suddenly prevents it, by adhering to his Parliament, and ruining them first. If his Majesty would be pleased for one Month to think himself *Henry VIII.* and we his Subjects for the same time (forgetting we are Protestants) do by the Papists, as they would do by us, were they in our Condition, what would become of *Portugal* and *Brussels*? Even *Rome* it self would tremble at us. Something must speedily be done, and if we will not begin with them, they will begin with us: For all the Favour his Majesty can shew them, will not satisfy that greater Expectation which they have from a declared Popish King. So that nothing does more justify the Plot than their corrupt Principles and present Interest; which will make them (being sure to have the succeeding King on their side) rather venture to push for it now, and run the Hazard of the Peoples Revenge, than suffer any longer the Inconvenience of an *English* Parliament, or danger of the next Successor being a Protestant.

Having thus therefore shewed you the danger wherein his Majesties Person now is, give me leave in the next place, to inform you Gentlemen, wherein is your greatest Danger, both in relation to your City and your selves: First then, as to your City, the chiefest Danger whereunto it is obnoxious, is that of Fire; for wheresoever the Jesuits Interest prevails, they will above all things desire the burning of *London*: First, because it is the only the united Force able to withstand Arbitrary Government; and without that, Popery can never prevail. Secondly, It is the only Place, where by reason of their excellent Preaching, and daily Instruction in the Protestant Religion, the People have a lively Sense thereof, and doubtless will not part with it to pleasure a Prince; but perhaps rather loose their Lives by the Sword in the Wars, than by Faggots in *Smithfield*. Thirdly, It is too powerful to any Prince, that governs not by the Love of his People, which no Popish Successor can expect to do. We read in our *English* Chronicles, that *Henry* the Third of *England* threatened to burn the City of *London*, for their taking part with the Parliament and Barons, who at that time made War upon the King, for his too great countenancing of Forreigners. Also in our great Fire of *London* in ---66, (if you will believe either *Mr. Bedlows* Relation, or the Account which was then given in to the Committee of Parliament appointed for that purpose) many were actually taken a firing it, and brought to Authority; but all let slip away, and none hang'd for it, but one poor *Frenchman*, who contrary to the Judges Perswasion, would violently accuse himself. There is one most eminent great Papist, who in the time of that Fire, pretended to secure many of the Incendiaries, but secretly suffered them all to escape: Who this Person was is already mentioned by *Mr. Bedlow*; for a Popish King or a Popish Successor, cannot but rejoyce in the Flames of such a too powerful City. Secondly, the greatest Danger accruing to your Persons, as well as to the whole Kingdom, upon the Kings untimely Death, will proceed from a Confusion and Want of some eminent and interested Person, whom you may trust to lead you up against a *French* and *Popish* Army: For which purpose, no Person is fitter than his Grace the Duke of *Monmouth*, as well for Quality, Courage and Conduct, as for that his Life and Fortune depends upon the same Bottom with yours; he will stand by you, therefore ought you to stand by him. And remember the old Rule is, *He who hath the worst Title, ever makes the best King*; as being constrained by a gracious Government,

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to supply what he wants in Title; that instead of *God and my Right*, his Motto may be, *God and my People*. Upon the Death of Alexander the Great, when there was so great a Confusion amongst the Officers, about choosing a Successor to the Empire, no other Expedient could be found out to pacifie the Uproar of the Multitude, but the choosing of King *Philips* Illegitimate Son *Arideus*, who notwithstanding he was a Man but of reasonable Parts himself, might (as they thought) perform that Office well enough, by the help of his wife Protector *Perdiccas*. I confess, upon the News of his Grace's Banishment, the Countries were much surprized, and the more, for that we all knew they could have no Interest or Advantage by his Absence, till his Majesty was near his End. Which puts me in Mind of the Story that *Josephus* relates concerning *Herod*; viz. that *Antipater* (to secure to himself the Crown) having by his Treachery and false Accusations prevailed with *Herod* to banish his two innocent Sons *Alexander* and *Aristobulus*, as also in his Life-time, to declare *Antipater* for his Successor, did after that, the better to confirm his Title, exasperate *Herod* to put them both to Death; which was no sooner done, and *Antipater* freed from the Jealousie of their Succession, but he begins to think *Herod* himself had lived too long: Wherefore entering into a Conspiracy with *Herod's* own Wife, as well as with *Pharons* and many others, he decreed to poison him; yet not being willing to be present himself at the Execution of it (for fear of some popular Tumult) he absented himself and went to *Rome*. But Providence discovering this Plot to *Herod*, it soon after cost *Antipater* his Life; and may all such Traytors succeed accordingly.

These things (most worthy Citizens) I have presumed to offer to your Perusal, in respect that upon the Death of any King, your Lord Mayor (then in being) is the only Magistrate in the Kingdom that retains any Office of Power capable of serving the Subject. You are the Persons who must revenge our Sovereigns violent Death; which if ever it should happen, the Countries one and all would be ready to assist you. But Heaven defend us from the Occasion; but God preserve the King, and send your City to prosper; which is the constant and hearty Prayer of,

Your Friend and Servant,

Junius Brutus.

POSTSCRIPT

As well to justify part of my preceding Discourse, as to acquaint you with the pernicious Tenents of the Church of *Rome*, how dangerous they are both to Prince and People, I have here inserted some few of their Canons, which all Popists are obliged to believe and submit to:

Canons which the *Romish* Church holds, to the Ruine and Dishonour of Princes, are these which follow.

1. The Emperor is the Bishop of *Rome's* Subject, and the Bishop of *Rome* may revoke the Emperors Sentence in Temporal Causes.

2. Princes Laws, if they be against the Canons and Decrees of the Bishop of *Rome*, be of no force nor strength.

3. All Kings, Bishops and Noble Men, that believe or suffer the Bishop of *Rome's* Decrees in any thing to be violate, be accursed, and for ever culpable before God, as Transgressors of the Catholic Faith.

4. The Bishop of *Rome* may excommunicate Emperors and Princes, depose them from their States, and disengage their Subjects from their Oaths and Obedience to them, and so constrain them to Rebellion.

These and many more there are to the same purpose; wherefore that Prince, who thinks himself so weak as to need a Government, who thinks himself too Rich, or desires to be a Slave to an old *Bardasso*, let him turn Popist.

More

**More Romish Canons, fitting to be considered by all Abby-
landed Men.**

1. *The Goods of the Church may in no wise be alienated, but whosoever receiveth or buyeth them, is bound to Restitution, and if the Church have any Ground that is little or nothing worth, yet it shall not be given to the Prince; and if the Prince will needs buy it, the Sale shall be void and of no Strength.*

2. *It is not lawful for the Bishop of Rome to alienate or mortgage any Lands of the Church for any Cause whatsoever; except it be Houses in Cities, which be very chargeable to support and maintain.*

So that if any men (who have Estates in Abby-Lands) desire to beg their Bread, and relinquish their Habitation and Fortunes to some old greasie bald-pated Abbot, Monk or Fryar, then let him vote for a Popish Successor and Popery; for when once that Religion is established amongst us, these Canons will all come in play; and the Pope will then tell you (whatsoever he may pretend at first) that his Predecessor had no Right to give away what belonged to the Church. And this Mr. Coleman well knew, when he promised himself no less than to be once Master of the Earl of Bedfords Estate; but unluckily the Gallows prevented it; in making him a Saint before his time.

He that desires to be further satisfied about these Canons, let him look into Dr. Burnet's late excellent History of the Reformation, and there he shall find the Original and Authentick Quorations, which were too tedious here to insert.

THE HISTORY OF THE
CITY OF BOSTON

IN THE
YEAR OF THE
FIFTEENTH CENTURY

BY
JOHN
BOSTON

IN THE
YEAR OF THE
FIFTEENTH CENTURY

IN THE
YEAR OF THE
FIFTEENTH CENTURY

IN THE
YEAR OF THE
FIFTEENTH CENTURY

RELATION

OF TWO

Free Conferences

BETWEEN

FATHER L'CHESE

And four Considerable

JESUITS,

Touching the present State of the Affairs of
the Romanists in England. In Order to the
Carrying on their Great Design.

Sent in a Letter from Paris, to a Considerable Popish Lord
in ENGLAND.

The DEDICATION.

My Lord,

Since I owe to your Lordships recommendation, all the Advantages
which I enjoy from the Countenance and Favour of Father Le
Chese, I reckon my self obliged to acquaint you with whatsoever I
know concerns you, or is worth your notice.

The following Conference was held the second Instant, as is of vast Im-
portance to the Interest of that Religion which you profess, and that Cause
wherein you have so far, and so honourably Embarked your self. I had
the good Fortune to be near, and over-hear the whole Consult, and having
as well as I could from my Memory, put the effect of what was said in Wri-
ting, I take this opportunity to give you early Intelligence thereof, that you
may know how to regulate your Affairs, and prepare for those Great Things
which are to follow. Whereby I have given an Instance, how strongly my
Inclinations lead me to render you all the Service that I can imagine may
be acceptable to you, to whom I have devoted the remainder of my Life. I am,

My Lord,

Your Lordships most obliged
and faithful Servant.

M m m m m

As

Paris Feb. 4.

1673.

AS soon as the four *Fathers* had taken their places, *Father Le Chese* began to this Effect, There are no persons more concern'd in the present Persecution of the distressed Catholics in *England*, than you are, and I my self am become zealous for this Nation to the highest degree, and am unwilling to loose the Glory of being one of the chief Instruments of reducing it to the Obedience of the Church. I have therefore desired this Meeting in order to our resolving upon some Methods whereby we may regain the Ground which we have lost by *Oats* his Treacherous Discovery, and by the severe Enquiry which two successive *Parliaments* have made into our Designs. It doth indeed deserve the Wisdom and the Courage of the Society to attempt to change the Religion, and the Government of a Kingdom, when the whole Nation knows our Purpose, and all our Eyes are fixed upon every one of our Motions. We must disguise our selves very well, if we hope to escape so nice a Scrutiny. I speak not this, *Fathers*, as if I doubted whether we ought to proceed any further, I hope such a shameful Cowardise shall never stain the Followers of *St. Ignatius*; but in what Methods we are to walk? Whether we are obstinately to pursue our Old Project in spite of the Malicious Vigilance of the *Hereticks*? Or whether we are to dress ourselves in new Shapes, and to tread in new ways? That is, to be the Subject of our present Debate. *Sir John Warner* rose first and said.

Sir John Warner.

I do assure your *Reverence*, that my thoughts are continually fixed upon this Business, so that what I shall say, is the Result of a very long Consideration. 'Tis known how dexterously we have laid our Design, how certainly the guilt of the *Kings* Death, would have been laid on the *Presbyterians*, if we had succeeded in that attempt. And I am still of Opinion, that there is no other means to divert the blame from the Catholics, but by contriving some way to make the *Presbyterians* guilty, or at least seem so, which does our business altogether as well. 'Tis true, the Votes of the last accursed *Parliament* have awakened the Nation to expect from the *Papists* (as they call us) the Murder of the King, and to revenge it upon us; so that as things now stand, Flock upon it as impossible to strike that Blow, and yet dissemble from what hand it came.

We cannot at present commit the Treason, and make the *Presbyterians* the Traytors, as necessary therefore, that for some time he must live, however odious he be to us. It will be Wisdom indeed, to make a Virtue of this Necessity, and to contrive how he may be useful to us, while he lives, even against his Will. Nor do I despair but this may be effected. Let me beseech your *Reverence* to suffer me to give you in short our account how the Interests in *England* are divided: To do which I must be forced to look back to the year 1660. You know well how much all wise and good Catholics did apprehend, upon the *Kings* Return that those happy Differences between the *Episcopal* and *Presbyterian* Parties would have been composed. The *King's Declaration* made us think that he saw his true Interest and would pursue it. And one would have thought that the *Covenanters*, should have grown wiser, and used the true way for the future to avoid those Antimonies which had cost them so dear. But it was so happily ordered, that the most discreet and honest of the *Episcopal Clergy* were entrusted with the Management of this Affair; who being full of Revenge for what they had suffered, did not bring with them that Temper which was necessary to the good Conclusion of such a business. Some Alterations were made in the *Liturgie*, but such as gave no Satisfaction; and soon after, an exact Conformity upon harder Terms, than ever was required under the former Penalties. And Informers were every where encouraged to a severe pursuit of those Laws in Execution. Every mercenary Pen was employed against them. The People were taught that *Rebel* and *Presbyterian* were synonymous Terms; and that it was impossible to be a Dissenter from the Ceremonies of the Church, and not be Factious and Seditious, although they have no Dependence one upon another. In the Universities the Youth were taught to look upon those as the worst of Men, who would not come up to every Title of what *Land* in the late *Kings* Reign would have introduced. Nay, they went so far, as that some of the Dignified Clergy told the World in Print, that to reject any of the enjoyned Forms or Ceremonies, was a greater sin than to commit the greatest Immoralities. Nor were they content to represent these as the worst of Villanies, unless they made them the greatest

of Fools too. And therefore the most scurrilous Pens were chosen out to dress them up in as ridiculous a sort as they could devise. I mention these things to your *Reverence*, because they were the occasion and Encouragement whereupon we ventured to attempt the Regaining of that Kingdom. We observed how deep a Discontent this sort of Behaviour towards them had fixed in the Hearts of all the oppressed Party, and we did conclude they were Men, and would resent it when they had Opportunity, and we did insinuate as much as we could, their Fears into the Minds of the *English* Clergy. At Court we represent their numbers as dangerous, whilst the *Episcopal* Party were as busie in representing their Principles as intollerable. And we were sure to have the Ministers on our side. For a great many of the most Wealthy, Sober and observing Men, being of that Persuasion, that alone was sufficient to make them obnoxious and hated, in a luxurious Court, where Money will ever be wanting, and no way to get it, be lookt on as unjustifiable. The King was no less displeased with them, for when by our Interest with the *D.* and the Lord *Cl.* we had procur'd the Declaration of Indulgence to be set out on the year 1673, the *Presbyterian* presently suspected the kindness, and, like wise Men, elosed with the Conformists and refused the Bait, however specious it seemed, when they saw the Hook that lay under it. This thing did highly exasperate the *K.* against them. And soon after, the *E. of D.* coming into the Ministry, and finding that his mortal Enemies the *D. of B.* and *E. of S.* had attained to a good Opinion amongst that sort of Men, he found it necessary to strengthen himself with the other party. Then was the late *K's. Statue* set up, and a Motion made in the House of Commons, to have his Body honourably interred, after it had lain in quiet so many years under Ground. The old *Cavaliers* were cajol'd, even the *D. of L.* began to make Speeches for Episcopacy, and the whole Band of Pensioners in the House of Commons were perpetually crying out, *Forty and Forty One.* By this your *Reverence* may very well perceive, we went upon good Grounds, when we pretend to fix a Plot upon a Party so detested by the Bishops and the old Cavaliers, so feared by the Ministers, so suspected by the King, and so declared against by the House of Commons. And the business began luckily. *Claypole* (a Man of no Design, but one who had Married *Cromwell's* Daughter) was apprehended and committed to the Tower for Treason, upon an Accusation of a Design against the Kings Person, to be executed at the same time, when our Assassins were prepared to strike. 'Tis true we were detected, and our Ruine was very near; but we may still be successful, if we be not wanting to our selves. I must confess whilst I am in Apprehension of new Discoveries, every day my Heart fail'd me very much, but since the Usage of those that have come in, and the different Method of Examination of things of that nature by Parliament and by other Courts have not given sufficient Encouragement to any Person of Quality and Parts, to come in and confirm what hath been discovered, I begin to grow assured, and to believe we may yet turn the Plot upon the *Presbyterians*. Consider, Sir, that the Murder of the *Scottish Bishop*, and the Rebellion in *Scotland*, have put many of the dignified Clergy in *England*, in a manner, besides themselves. They begin in good Earnest to think the late times are coming on again, although we or our Friend the *D. of L.* are only able to give a good Account of that business. The whole story of the Civil War, and of the late Ruin of their Church is grown again the business of the Press and Pulpit. A Gentleman of good quality who came lately to *Paris* assures me, That if a Stranger were to hear the Sermons and Discourses of the generality of the Dignified Clergy, he would indeed guess that there had been discovered of late, a horrid Conspiracy against the King and Government, but he would never guess that the Catholics had been accused of it. Consider if you please the numerous Party we have there ready to receive every Impression to the disadvantage of the *Presbyterians*. What excellent use have we made of the Liberty of the Press already, having gotten the most furious Books, written against them in the late Times (when the Sword was drawn) Reprinted, together with all the Treasonable Pamphlets those Rebellious times produced. Nay we have assistance beyond our hopes, and Sir *W. D. La Mo. and Fr.* are as busie in scribbling against the Dissenters, as if the late War were fighting over again. Besides it happens very luckily that some of the most Active and Considerable Persons, who are busie against us, both in and out of Parliament, were of the Peoples side in the late times, of which 'tis natural for us to make this Use, That it is their old Republican Principle only which makes them so averse to his *R. H.* And this Bait is swallowed with wonderful greediness by the credulous Clergy,

Clergy, who are never to be reconciled to any Party that were once for lessening the *Hierarchy*. Every thing is prepar'd for this design. And a numerous Party are longing for some Evidence of a guilt, which is found only in their Desires. Heaven does not only inspire us with this project; but assists and instructs us in it. Let us therefore go on with our usual diligence and constancy. Every day devise new Tales to encrease the Jealousie against the *Presbyterians*. Let us whisper abroad the greatness of their Numbers, the incorrigibleness of their Principles. Let us when things are got to a little more maturity) strengthen that Evidence which we have already prepared against them. Let us provoke the most hot-headed amongst them to some Extravagances and Indiscretions (which may easily be done) and we need not fear but the Church-men will improve every slight offence and cannot forbear striking their old Enemies, though the blow in all probability, by God's blessing, may prove mortal to the whole *Protestant Heresy*. He had no sooner concluded, but *Father Warren* began in this manner:

Warren, I am perfectly of Sir *John Warner's* Opinion, That no greater happiness could be wish'd in this Juncture, than to be able to fix any seeming Plot upon the *English Phanaticks*. It would be like fresh Game started, and would certainly tempt the hot-headed Hunters to leave the old Chace of the *Papists*, as they call us, and pursue the new Discovery. I know very well that it would be a very great weakening of the common Enemy, and make another Civil War amongst Protestants. I know, however that Learning be despised by the pretended Church of *England*, that yet that severity which they keep up in their Manners, and so constantly press on their Disciples, has in an extraordinary manner obstructed the advancement of the *Catholic Religion* in *England*, by hindering that general debauchery, and corruption of Manners, amongst those Hereticks, which would have let us in upon them so easily. As may be demonstrated by our success in the *Court*, and other places where none of those intractable whining *Sticks* come. I am not ignorant that any Reconciliation betwixt us and them is impracticable. There have been *Bramhalls*, and *Laude*, and *Grosius's*, and *Lloyds*, have fancied it possible to reconcile other sort of Protestants to us, but there never was yet a Man so fond as to hope for any union between the *Catholics*, and the Disciples of *Calvin*. I am also very sensible that no sort of Men have been so industrious in ruining our late hopeful Continuances nor none so Jealous of us, and consequently, so careful to watch in what shape the design of the Society will next appear. But let me after all, put your Reverence in Mind, that it would be for ever fatal to us to let on foot such an attempt at such a time and fall in it. Now the Thing in it self is not easily credited. Nothing is so apparently the Interest of the Dissenters, as to keep the Crown on the King's head. A King under whom (at present) they enjoy great ease from the Penal Laws, and exercise their way of Worship without fear. Whereas were he taken away, what could they hope for from his Successor, whose temper is so well known, whose aversion to them, and whose firmness to us, is more manifest than that he is to Succeed? I speak this to shew that no man can suspect the *Presbyterians* of such a design, who does not at the same time think them all Fools and Madmen. Besides by my Observation, they are generally the Wealthiest Men in the Kingdom, and so have most to lose in a tumultuous state. They have paid dearly for the last War, and have very lately attained to this ease, which they now enjoy, and therefore no man can think they will willingly hazard it. To deal truly, they seem'd to concur so unanimously to the restoring of the King, when they were possess'd of a Power which might have obstructed it, that it cannot but have some influence upon his Mind, and take off any suspicion, which their former behaviour might have given him. They have liv'd quietly ever since he came in, and they never liv'd so much exempt from Persecution as now they do, and therefore it will be very difficult to cozen any one into a belief that they have a Plot against the King's Life, because it is most plain, it were in effect a Plot against themselves. Let me add to this, That we are not now upon a new unfolded Project. We have more than once attempted the same thing, and have been defeated. Sir *John Warner* mentioned to your Reverence the ill success of the the design upon *Chappell*, but he forgot to tell you of the latter detection by *Dangersfield*. This Project was formed and brought to great ripeness, and had been to be executed by Heads a degree cooler than those of the Countess of *P*, the Lord *C*, and Mrs. *C*. in all likelihood it had not so unluckily miscarried. This alone is sufficient to bring a scandal upon any thing of this nature to be attempted for the future, and all that have heard of this will be ready to smile at the

the naming of a *Presbyterian Plot* hereafter. Should a new Forgery of this sort be detected, we should infallibly draw again upon us the fury of the People (which seems somewhat abated towards us at present) and that possibly would not be appeased but by our final Extirpation. 'Tis therefore my humble advice, that *Catholicks* should comply with the necessity of the times, and have a little patience. Let us not grow so vain upon the expectation of a Successor of our own, as to endanger his Succession, but let us be quiet for a little time; and a little time will work wonderful things for our advantage, especially if we can keep off *Parliaments*. 'Tis at that mark we must all aim. Nothing can ruin *Catholicks* in *England* but a *Parliament*. 'Tis a *Parliament* only can make the King sensible of those Friends of ours that are concealed very near him. 'Tis that only can revive the prosecution of the Plot, which now in the Interval languishes apace. 'Tis that only can support the Old Witnesses, and encourage New ones to come in. In a word, 'tis a *Parliamentary* Enquiry alone that is sufficient to compleat the discovery of a matter, wherein so many Great, so many Rich, so many powerful Persons are concern'd. If we but keep off *Parliaments*, we may reasonably hope from the temper of the *Witnesses*, That they will run into such indiscretions as will lessen their Credit among the people. I am sure *O.* and *B.* have lost much in the general Opinion since their baffle in the Business of my *L. ch. 7. Sc.* and if they are put out of hopes of seeing a *Parliament* meet, they will either be discouraged, or provoked; and either way, I dare undertake we shall gain Advantages upon them every day. We shall save our Friends in the *Tower*, whose Heads will certainly be in great danger if there be a Session. We shall save our Friends at the *Court*, who will not be in a much better condition. And we shall preserve the Succession in the Right Line. By a long Interval of *Parliaments*, we may have time to form new Designs, and many unseen Accidents will turn to our Advantage. I will not urge this Point farther, for I am sure your *Reverence*, and all the *Fathers* are of the same Opinion with me in this particular. But the difficulty consists in the means how this shall be effected. That which I shall propose is, first, That the *D.* of *T.* be sent for to *London*. The *K.* will never be firm unless he be by him to inspire him continually with new Courage; and besides, we see his *Northern Journey* has in no sort answered our expectation, nor will his stay there, be of any Use to us, as I could demonstrate. Besides this, His *Majesty* may lay his positive Commands on the *D.* of *P.* or his *Embassador*, and on his other Friends in the *English Court*, that they never hearken to any Proposal of a *Parliament*, on any pretence whatsoever, but use all arts and endeavours to keep it off. And if your *Reverence* could prevail with him to throw away a little money on so good an occasion, we are assured by one who has been a *Martyr* for our Cause, *That in the English Court, Logick built upon Money, has more powerful Charms than any other sort of Reasoning.* The truth is, if the matter be well considered, it is not so difficult to effect it, since there is hardly a Person in Credit with the *K.* who must not fear a Session above all things. The *D.*'s Head lyes immediately at stake, and that Favourite is not yet forgot, at *W. H. L.* has provoked *Parliaments* beyond all hopes of Reconciliation. I dare take upon me to say, the *D.* of *P.* dares not stand that Shock. My Lord, Mr. *H.* &c. and Mr. *G.* who look like some body out of *Parliament*, will then appear so little, as may hazard their credit with the *K.* The *D.* of *T.* runs infinite hazard by their Meeting. Nay the *K.* himself is apprehensive that he cannot but lye under some reflections, since that false and ungrateful Favourite *D.* has directly charged him with all that has been done during his Ministry.

I hope I have shewn my Proposition to be very feasible, as well as very advantageous, and I am very confident it will above all other things do the business of the *Catholicks*.

Sir Thomas Preston,

I agree with *Father Warren* (said Sir *Tho. Preston*) that it's of absolute necessity that we should not suffer *Parliaments* to sit, but I must add with Sir *John Warner*, that 'tis no less necessary for us to fix some Conspiracy upon the *Presbyterians* immediately. Take the several Counsels of both the *Fathers* together, and we cannot fail of Success. Our counterfeit Plot will be discovered, if the *Parliament* sit. And the *Parliament* must needs sit in a little time; it we cannot charge a Plot upon the *Presbyterians*. (By *Presbyterians*, I do not mean those only that are really, but we must order it as Archbishop *Laud* did, who called every one a *Puritan*, who was not for his sort of Government in

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Church and State.) Notwithstanding all that *Sera in fando parsimonia*, that new good Husbandry taken up at Court, the want of Money will encrease so fast, that it will be impossible to hinder the K. from calling the *Parliament* together in a little time, if you do not make him afraid of them, and that can be done by no other means than by perswading him that they are generally *Presbyterians* in the *House of Commons*, and that the *Presbyterians* are at this instant contriving against his *Crown*. It was observed to your Reverence before, how much the E. of D. thought himself concerned to cry out of the Return of *Forty one*, and I do not see but the present *Ministers* do the same, only they have the Advantage of new Arguments to use. They tell the K. every day, how much the Insolence of that *Party* is increased, under colour of prosecuting the Plot. They press him with an unanswerable Argument, as they call it, drawn from the late Petitions for the *Sitting* of the *Parliament*, and the K. seems to give some ear to them. Though I am told, a Protestant Lord said to him lately, *That because some Rebels once petitioned for unreasonable things, that from thence he ought not to conclude, that whoever asked reasonable things of him, and when they had done, disputed not his power of denying, were Rebels*. It is easie to perswade one, who desires it should be so, that such a Woman is a *Whore*. Nor is it more difficult to make a Man seem guilty in his Eyes, who has not a mind he should be innocent. Have not the constant Sermons before the K. of late been, of the Danger of that Faction, which begins, as they say, to revive so strongly, and does not every Pulpit and every Press abound with the same Stories? Nay, what is it we can despair of, after we have seen Mrs. C. and Mr. G. admitted as Evidence to prove a *Presbyterian Plot* upon Sir R. P. when the Contrivance of the Forgery had been before directly proved upon those very Persons, by the Testimony of *Dangerfield*, confirmed with many Circumstances? 'Tis Cowardise to fear after such Success; and 'tis Folly to have too good an Opinion of our Adversaries. Do we not see they help us all they can? Do not a great Party amongst the Hereticks labour as heartily to serve our Interest, as if they were of our Religion, and more ready to be gull'd into a Belief of some *Presbyterian Conspiracy*, than we are to form one? I regard not the Absurdity, nor the Improbability of the Accusation, if it be against the *Dissenters*, there's scarce a *Conformable Clergyman* in England but will believe it. Nay, I have Advice from England, that some of our Friends there, have taken Advantage of some hasty Words which *Oates* has said of some *Bishops*, who used him unkindly, and of some Familiarity which he has been observed to have with some *Dissenters*, to report him a *Fanatick*. The thing has so taken fire, that the furious Men of the *Church of England*, are more zealous in whispering things to his disadvantage, than any of us are. Nor do they stop there; they begin to talk slightly of the rest of the Witnesses. They question the Truth of their Testimony, because of some Indiscretion in their Conduct in other Matters. They take advantage of every little slip in their Expressions, and every Improbability in what they say and argue, as if what was improbable could not be true. Nay, after the Truth of their Evidence has been justified by the concurring Approbation of the K. Two *Parliaments*, and the *Council of Justice*, after we our selves had given it the greatest Confirmation imaginable, and made it as clear as Noon-day, by our frequent Attempts of *Subornation*, as manifestly proved, as the Nature of the Thing is capable of, there are Men in England, who (as yet) are no *Catholicks*, who Print scurrilous Papers against the Witnesses, and write and spread Libels of them, with the utmost diligence. You see what Invitations we have to attempt what I propose, which if joyn'd with common Discretion, and ordinary Diligence, will without doubt be very successful. If we could set up some in London, or near it, to present *Petitions* for putting the Laws in execution against *Dissenters*, upon the account of their late insolent (as it must be called) *Petition*; or by burning the Rump again, or some such other publick reviving the Resentment of the Court against the Actions of the late Times, whereby we should revenge their *Petitioning*, and their *Burning of Popes*, and prevent them for the future. Or if we could but get those things done, either by our Friends at Court, or any how, so they were but done, we might make very good use of them, especially if as preparatory thereunto, some Reformation were made upon the Benches at *Westminster*, and in the Country, and all Courts of Judicature were filled with Men of warm Tempers, who have Malice enough to the *Dissenters*, to execute the Laws in good earnest against them. The Imprisonments and Fines, and the Banishment from Corporations, would so pursue both the Preachers and the People, that it would be easie, with good Management,

agement, to provoke them, or at least some of the meanest, who are usually most zealous, to no little Excesses. 'Tis but well dissembling that we are of that Party, and then inculcating into their Minds the Rigor of their Persecution; the Misery of their Condition, and the Folly to suffer themselves to be used for by a Party far less numerous than themselves, and 'tis more than probable, that by this Artifice, some of them may be drawn into some Conspiracy, which may be laid in their way. But if we should fail therein, yet discontented they would be, and 'tis natural for every Man to think that he who is discontented with his present Condition, will desire to change it, and then Mens Minds are prepared to suspect that they will attempt such a Change. By this means we shall certainly stop the *Presbyterians* from hunting so furiously after our Plot, who will then have enough to do to save themselves, and then I am confident we may be quiet enough in *England*. After a little Pause, *Father Conyers* discoursed after this Manner.

Father Conyers:

I hope I have given a sufficient Testimony of my Zeal and Courage by my late personal Undertaking, to do which, the whole Society thought of such absolute necessity to be done, when we had been so often disappointed therein by Lay Hands. Nor doth any Fear of my late Danger continue to make Impressions on me. But I have lived long in *England*, and am so well acquainted with the Humor of the People, that I know that all which has been proposed will be much too little to restore the *Catholick Religion*, or secure *Catholicks* in that Kingdom. 'Tis indeed necessary that the Meeting of the Parliament should be deferred for some time, but if it should be put off too long, it would be certainly no less fatal to us than to the Crown. 'Tis necessary to make the *Fanaticks* as odious, and as much suspected as we can, and I see very well how useful it would be to us, if we could revive the Prosecution of the Laws against them. But I also know well, that though such a Prosecution would be very acceptable to a great part of the Clergy, and the old *Cavaliers*, who felt the late War, and who will never think they have sufficiently revenged themselves, yet it would be far from being pleasing to the Body of the Nation, who, though they are not *Dissenters*, yet are moderately inclined. The *Latitudinarian* Opinions having of late very much prevailed amongst them, especially if they observe that at the same time, when all this severity is used against Protestants, all the Penal and Sanguinary Laws against us shall be laid asleep, the Prosecution of the Plot shall cease: The Lords in the Tower shall remain untried. The *D.* shall return to Court, and the *Catholicks* more than ever resort thither, and be kindly looked on there. These are not the ways to appease the Rage, and quiet the Apprehensions of the People, on the contrary, it will infallibly cause a general Defection; and with submission to your Reverences Judgment. I confess, that, in my Opinion, an universal Commotion will be as assuredly destructive to us, as a little Hurry and Tumult would be for our Advantage. All other Stratagems will not be sufficient to deceive them, unless at the same time you seemingly secure them from the Growth of *Popery*, and of the Succession of *Papists*. The King must banish the *Papists* out of *England*, if ever he intends to have Money from a Parliament. I know very well that no Man can be banished *England*, but by an Act of Parliament, unless he consents himself, as his *R. H.* did (and thereby has gained much on the *K.* especially since the *D. of M.* refused) and then 'tis rather Departure than Banishment. But it will give the *Catholicks* the Reputation of the best Subjects (at the Court) when it shall be observed there that they are the only Men, who comply with the least Intimation of the Kings Pleasure and (however grievous the Commands may be) have learned to obey, and not to Dispute. But neither do I mean that there should be any direct Proclamation, or Order of Council for their Banishment, that might possibly be of ill Consequence, and make the People (who are extremely jealous of their Liberty) to suspect some Confederacy, and they would cry out immediately against the *Papists*, as Men who were introducing Slavery by a President. At least they would fall upon the Ministers for using an unlawful way to rid the Kingdom of those whom they might drive out of it lawfully.

Now Slavery is as great a Bugbear in *England* as *Popery*, and the People who understand *Magna Charta* and the Bible much alike, yet will dye before they will lose either. The Method I would have used, is, to issue out Commissions for seizing two Parts of three of the *Recusants* Estates, with strict Orders

ders for convicting all who are not already convicted. And let there be also publick Directions given to the Commissioners to forbear the Seizure of the Estate of those *Catholicks*, who shall leave the Kingdom within half a year; but that no Mercy should be shewn to those who staid after that time, but that every Penal Law should be let loose upon them. This will have a very good appearance amongst the People; if it be really executed, who will begin presently to lessen their Succession of the Court, when they find the *Catholicks* persecuted (as they think) in good earnest. I am very sensible that this Proposal of mine cannot be affected without great Inconvenience to many of our dearest Friends, but private Convenience must give place to publick Utility, and every pious Soul will be content to suffer, when they are made to understand that so great a Deliverance will suddenly and certainly follow. Besides, I consider the *Catholick* Gentry may easily be content to travel for a year or two (for it will be no more) they are not entangled in Offices and Employments, but may live as cheaply, and almost as conveniently abroad as at home. And we must take care to procure Dispensations for all the *Trading Catholicks*, and those of lower degree (who are not already furnished with them) that so they may take the Oaths and conform, which they may do, and no great notice will be taken of it. And by this Method no considerable Mischiefs will fall upon our Friends by this seeming Severity, and yet all manner of Suspicion in the People will be cured. The *K.* once more set right in their good Opinion, and the persecuting of the *Presbyterians* justified, as being only the Consequence of a resolution in his Majesty to regain the Honour of the Government by an effectual and impartial Execution of the Laws. Then it may be a Season to think of a *Parliament*. Then 'twill be fit to dissolve this, from whom no possible Good can be expected, and to summon a new one. For by that time all the *Presbyterians* will be under the Lash of the Penal Laws, severely executed, and under suspicion of horrid Conspiracies, by the Methods before proposed, and consequently will not dare to pretend to be elected, or to interpose at Elections, and so we may once more have a *Parliament* like the last *Long one*. And if we can once again get such a *Parliament*, then the *Presbyterians* themselves will look upon a general Act of Oblivion as a Grace, and consequently thereby all our Friends may be set at Liberty. But these are little things. What shall we not be able to do in such a Juncture, with such a *Parliament*? But yet I must confess to your *Reverence*, that though the Physick I have prescribed be sharp, yet I am fearful it may not be strong enough. I am suspicious still, that whilst they are sure in *England* that a *Catholick* must succeed, they will never be free from fearing us, and 'tis possible, may in *Parliament* take advantage of the voluntary Banishment proposed before, to make it a Banishment in good earnest by a Law. I would therefore with all humility propose to your *Reverence*, a thing which I have often thought of, and which I still believe to be the only infallible means to secure the People of their Fear and Hatred to *Catholicks*. 'Tis that his *R. H.* should dissemble a Reconciliation to the *Protestant Religion*. I perceive your *Reverence* as well as the *Fathers* are surprized at what I say, and yet I believe (though it might not be thought of, as I have often wondered at it) his *R. H.* Conduct in this whole Business seems such, as if he had all along resolved, upon any pressing Necessity, to leave himself room for such a Retreat. For though he is content that all the World should believe and see that he is a *Catholick*, yet he has never directly told them so, nor publicly reconciled himself to our Church. Nay, I have heard that one of the Secretaries should say not long since at the Council-Board, that he wondered how any Man durst say, that the *D. of T.* was a *Papist*, since he had not declared himself such, and he did not believe that he was one (which was very much at this time of day.) So that it is not so dishonourable, nor so shameful a Retreat as a Man would think before he hath considered it. Therefore soon after his Return out of *Scotland*, he may desire Conferences between us and some of the Bishops in his presence, to satisfy him of some Points wherein he doubts. Let him also hear some private Disputes between some of the Dissenters and us. Then let him declare his little Satisfaction from the Fanatic Divines, and seem convinced by the weighty Arguments of the Bishops, and so go to their Church with the *K.* One thing I could wish, that none of the most Learned, but only some of the weaker Bishops should be chosen for this Service, for it may be of use to us hereafter to print the Conference, when his *R. H.* is to return to us again. Or possibly it may be the best way, that he should, without any Noise, go again to the Kings Chapel in the same manner that he left it, and receive the Sacrament, and take the

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Tests. The Consequence of all which will be, that he will be made Admiral and General, Lord Warden of the Cinque Ports, and Lord High Constable of England, and have every great Trust put into his Hands without Suspicion. The Church of England will doat on him, and (against their Reason) will pretend to believe his Conversion real. And whoever dare mutter the contrary, will be called a Rebel and a Republican. They will find out handsome Excuses for him for his short Absence from them, and will be proud and exalted above all measure, that they have reduced him, when the ignorant Fanatics (as they will call them) could not move him in the least. They will never be satisfied till they have put all Power into his Hands, and he may do what he will, either in such a Parliament as I have mentioned, or out of it. I know it may be objected, that this will appear to be very mean in him, and he will lose or lessen his Honour in the Catholick World. But I know his Zeal to be such, that he will subject himself to any Dishonour, as well as to any Danger, so he may promote the Holy Cause. And we may by our Care in a great measure hinder any such Reflections upon him abroad. From being envied or feared, the Catholicks will then only be pitied in England, and from henceforth will not be looked on as considerable enough to take up the least Care of Parliament. And yet they need not be much discouraged neither; for every Confessor may be directed to communicate the Secret according to discretion, and the measure of the Parties Understanding. Then will be the time for us to rid our selves of that most Inconstant Prodigal Person, who never durst shew his Love to us further than to do us a Mischief, by discovering his Inclination to us, and going no further. Then will his R. H. come quietly to the Crown, get the Revenue Established, an Army raised on any pretence, and without Opposition, may settle true Religion and true Monarchical Government in England. Another thing I would have done, is, That immediately upon his R. H. his return out of Scotland, he should himself desire a Reconciliation with the D. of M. and procure him to be restored to his Majesties Favour, and all his Offices. This will look like a generous thing; and the D. of M. had not sense enough to see through it. This will make that D. for ever suspected by the People, and when that is done, his R. H. may handsomely press the K. to require of him, to sign and seal in publick, a solemn Renunciation of all Pretences to the Crown. If he does submit to this, he will for ever lose all Esteem, as one of an abject Spirit. If he refuses, things may be easily so ordered, as that the Judges may call it Treason, so we shall either way be rid of the Pretences of that Counterfeit Prince, who may otherways give us great Disturbance hereafter.

There is besides this one thing which is well begun, but must be perfected, and that is the clearing the Council of some ill affected Persons. Several indeed have lately quitted it, but there are enough still left to give disturbance to our Affairs. Now there is nothing would give a greater Authority to what his R. H. would have done than to have it the Result of a debate in Council. And therefore that Board must be so far refined, as to leave none there but such as we can entirely trust. In a word, Let his R. H. never rest till he gets the Council, the Judges, the Justices of Peace, and the Lieutenantcy of England all of a Piece, and the Corporations thoroughly Reformed; and then he may do what he pleases without Opposition, for nothing that has the Face of Authority can Oppose. He needs not much concern himself for London, he has done the business of that City already. They are furnished with such a Record, such a Lieutenantcy, such a Court of Aldermen, that it is impossible they should be mended. The Fathers having thus severally delivered their Sentiments, Father Le Chese concluded the Conference in this manner.

Le Chese. The debate of these weighty matters has given me abundant satisfaction, and a great light into the Affairs of England. I am clearly of Opinion that to secure that Kingdom, every one of your Counsels must in some degree be pursued. Parliaments must be kept off, the Laws must be put in Execution against the Dissenters, and they must be either driven into or charged with some Treasonable Conspiracy. Nay, the Catholicks must content to quit England for sometime; I will make it my care that their reception in France shall be such, as that their Bapism shall be very easie to them. But the last thing that Father Conyers mentioned, may be attended with such important consequences, that I will not venture to give my Opinion, till I have communicated it to our General, which I will do with all speed, that he may represent it to his Holiness, who is almost infallible in Policy, as in matters of Faith. I am convinced with the Fathers, that it is the only way to

cure finally the Jealousies of the Hereticks, and to secure the Succession, but I am apprehensive we shall pay too dear for it. For if his R. H. shews such an instance of Instability, it will very much lessen the Opinion which the World has of his constancy and firmness of Spirit. It will strangely discourage the Ignorant Catholics; It will put a stop to our many daily Convents; It will amaze all the Hectors and Beggarly Sword-men, who are now universally ours, but then will not know which way to take, and will be inclined against us. Nay, which I most apprehend is that when at last a new Parliament shall meet, if they should propose any severe and pernicious Laws against Catholics, the Duke must not oppose them, lest we lose the fruit of all this Venture, and he discover to the World the Insincerity of his change. And 'tis certain, that then all those Men who are indeed of no Religion but what they think likely to prevail, will turn as violently against us, as now they appear for our Interests. It shall therefore be my business to let our General know the result of this Consultation: And I hope you will take care to communicate all other passages, besides this last, to the Fathers of St. Omer, and that Instructions may be sent into England to prepare Catholics for the things which are to follow.

An Account of a Second Conference, sent in a Letter from Paris.

My Lord,

Y^{our} Lordship having been pleased to receive kindly the account which I gave you of the last Conference, and Commanded me to use my Endeavours to continue the same Intelligence, I have thought it my Duty to watch for the next Opportunity, and have been so happy as to succeed in my Design. Yesterday the Fathers made a second visit to his Reverence, and your Lordship has an Account of their Debate in what follows. And though it be not told so well as it should be, yet because it is told early, it may obtain pardon for,

My Lord,

Paris, May 28.

Your Lordships most obliged
humble Servant.

The Second Conference.

AS soon as the first Civilities were passed between them, Father Le Chese commanded the Room to be cleared of all other Company, and then desiring the Fathers to retire with him into his Closet, near the Entrance of which I could conceal my self, he told them, That as he doubted not but he should receive from them a good account of those things which they had undertaken at their last Meeting, so he thought himself obliged to let them know in what manner he had acquainted himself on his part, which he could not better do than by shewing them the Letter which he had lately received from their General. The Letter as near as I can remember was to this Effect.

I have communicated to his Holiness yours of the 5th. of February last, who was wonderfully delighted to see your Reverence engage your self, with such Christian fortitude, in a design so truly Catholic, and did much approve your choice of those Fathers with whom you thought fit to communicate, as knowing them to be all Persons whose Judgment are no less eminent, than their Zeal and firmness to the Catholic Cause is meritorious. His Holiness immediately upon the sight of it, commanded me to call together those three Persons, in whom your Reverence knows he does above all others most justly confide. And after long deliberation had upon that Subject, and weighing the conveniences and dangers of either side, which you had with so great Judgment represented in your Letter, both he and they are absolutely of Opinion, that the Duke must by no means dissemble a Change in Religion, for that it will inevitably bring infinite Mischiefs on the Catholics and their Cause. This I am commanded to acquaint you with. I have further in command from his Holiness to beseech you in his name, to continue your Paternal Care for that unhappy afflicted Nation; and to give his thanks to the rest of the Fathers, whose diligence in this Affair has given them the highest place in his Holiness's good Opinion. He sends you his Apostolical Benediction. To which I will add

add my Prayers for Success in your Undertakings, and that the Mother of God may have your Reverence in her keeping and protect you.

Your Reverences most affectionate

Brother in Christ,

Johannes Paulus Daliva.

As soon as Father Warren had made an end of reading the Letter, Father Conyers offer'd to speak, but Father Le Chese said, he thought himself obliged to give them an account how he had behaved himself in those other things wherewith they had charged him at their last Meeting. You all thought it necessary, said he, that my Master should be engaged to use his Power and his Purse (if he could be so far prevailed upon) to prevent the meeting of an English Parliament, and you see by the Success, that I have not been negligent. No Parliament hath sat, nor do we yet hear of a Succession. But the growing necessities of that Court can be no otherwise supplied, but by Aids from them, or from hence. My Master is not unwilling to part with his Money, could he have an Equivalent; and Tangier has been proposed as a thing which the King of England has never made any great Advantage of, and is more chargeable to him than Dunkirk was, which yet he parted with, meerly in a compliance to my Master's Designs, when his Revenue was larger, and his Debts were not so numerous and vast as at present. This I look upon as a thing of Consequence, and such as well deserves your consideration. Having said this, and made them all sit down: Father Conyers spake in this sort,

Conyers. Had I foreseen at our last attendance upon your Reverence, what has since happen'd in England, I had not made those Proposals which I then did. Things have succeeded there above our hopes; and divers fortunate Accidents, together with the variable humour of that People, have put us into almost as promising a condition as we were in before the first detection. When the Duke returned out of Scotland, the whole English Clergy fell down before him; Nor would they stay for any dissembled change of his Religion, to give them some countenance for their Joy and Flattery. In an Instant, the whole Scene was changed, and every thing began to smile upon the Catholics, and nothing was cry'd out against but the Fanatical Republican Spirit. That device of ours to reform the Commissions had such an admirable Effect, that we readily turn'd upon our Enemies the nimble Storm, which threaten'd us from the Petitions: For the Justices, by the Assistance of the Clergy (tho' they had been put in mind, that their own Doctrine had allowed the Subjects those Innocent Arms of Prayers and Tears) prevail'd with more Counties to declare their Abhorrence of Petitions, than were found Petitioning. Nay, they went so far, that in almost every one of those Abhorring Addresses, in the very same period, they give his Majesty thanks for recalling his Brother, and taking care of the Protestant Religion. The Old Justices were become so fearful of following those who had been so lately disgraced, and the New ones were so transported with their unexpected advancement, that none of them would stick at any thing, how absurd soever: as if the Duke's Presence at Court could only support the Protestant Religion, and that it was only a Complement to the King, when they call him, *The Defender of the Faith*. 'Tis true, there were but few that joyned in those Addresses, and those also were but inconsiderable Persons, but yet coming from the Benches, and being presented and received with so much Solemnity, and set out with such care in the publick News, they cozen'd the People as effectually, and pleased the King as well as we could desire; So that now Catholics would have little to fear, even from a Parliament had they one of the same temper, with that which D. did so unfortunately get dissolved. But that Spleenful Minister could not bear to be ill used by them whom he had sed so long, and Rage made him fatally joyn with the Most Christian King's Minister in procuring the Dissolution of that only Parliament that ever was (or I fear) ever will be useful to us, in our Design of changing the Religion and the Government of England.

Le Chese. Here Father Le Chese interposed, and said, it was a truth, that unless Monsieur Barillon had joyn'd in the Council, They all besides had been too weak to have prevailed upon the King to part with those on whom he had so sure a tie. But the Dissolving that Parliament, said he, in my Opinion was a great

a great Service to the Catholick Interest, for it was our principal Business to bring the King to a necessity of being firm to us, which was impossible, whilst that Parliament would perpetually feed him with Money, and at the same time exclaim against *France*. But having deprived him of that certain *Bond*, we are now sure of him, for he will still want, and he can now only be supplied from *France*, or the Catholicks elsewhere, and he will always depend upon, and be guided by those that supply him with Money. Having said this, he desired the Father to proceed, who went on thus:

Conyers. We have entirely gain'd our Design of possessing the Clergy with an Opinion that the present Parliament is made up of *Presbyterians* and *Commonwealths* men, tho the truth is, upon petusal of the List, we cannot find above forty Dissenters from their Church, and much the greatest part of the House of Commons consists of such as were either themselves actually in the late Kings Service, or are descended from such as were, and they are fully persuaded, that if ever the King hearken to Parliamentary Advice, their whole Hierarchy will be in danger. Their most famous Champions against us, and who have had a reputation of being very moderate in the Differences amongst themselves, begin now to appear with great Harmony against themselves, begin now to appear with great Harmony against the *Fanaticks*, whilst the generality are warmed in that degree, that all their Sermons are turned to Invectives against that sort of Men; and many of them exceed the bounds of Discretion; Nay, one has rashly published the Truth in Print, in a late famous Dialogue, that Parliaments can be born no longer, and that the King is necessitated to set up for Absolute Power; and declares openly that himself and his Brethren are for it. And that all who are of another mind, are for a Commonwealth, and we have done what in us lies to make the King believe the same thing. This good success has made another part of my former Advice no less unnecessary. That the Catholicks should for some time leave the Kingdom. The Church (as the Clergy call themselves) are now so far from desiring us to be gone, that they would rather Court our stay, and stick not to say publicly that they look upon us as better friends than the *Fanaticks*, and a good help against them. Besides we are wholly eased in this particular by the good disposition of the present *Magistrates* towards us, for they bend all their force against the opposite party, and we are used as Gently and Civilly as if we were their best Friends. The Courts of justice forbear not to declare publicly, that the utmost Rigour of the Law shall be let loose upon the disaffected (which is the Word now for all those who are against absolute Government, or differ from the Establish'd Church, in their Ceremony Quarrel) whilst in the mean time, they are so tender of the Liberty of a Catholick, who comes before them; so fearful of breaking their Oaths in detaining us too long in Custody; so easie and forward to bail us, that it seems, as if in the case of a Catholick it were not a thing of Discretion but Necessity, to bail Men accused of Treason. There is one case wherein they confess they cannot do it. But they denyed it with so much Civility, and express so freely their Hearty Sorrow, that their Power was not as large as their Will, that we cannot but take it very kindly from them, and I am informed that a favorite Advocate not long since said publicly at the Bar, that they should soon make an end of this troublesome *Popish Plot*. There is another way whereby they express their kindness for us, in persecuting severely, all those Hot-headed People, who suffer themselves to be provoked by the Management of things, to speak with any Disrespect or Suspicion of the Government, and they order the matter so, that in giving their Judgment, they take care to present to the World such idle talk, nor as the effect of Wine or Passion, or as spoken by chance, but as the result of the Consultation of some disaffected Persons, who had the Government of the Faction, and that all which these indiscreet Men suffer to escape from them, was only what they had learnt from the more malicious and abler Heads of the discontented, that is, anti-catholick Party.

But this is not all, the King is grown sickly, and the Duke seems near the possession of the Crown, and therefore 'tis most plain, he must not now disown, but rather publicly avow his Religion; 'tis no less plain, that all Catholicks should not only forbear to depart the Kingdom, but should be near him, and ready to suppress any Insurrection that may happen on the Kings Death, and to execute those other things which will be absolutely necessary at that time: So that I cannot but admire his Holiness's great wisdom and foresight, and do most humbly and joyfully submit to his Determination. Here Father *Conyers* ending, his Reverence said.

Le Chese, I am well satisfied by the success, that all other things which we agreed upon at our last Conference, have been executed with Care. But the many great Alterations which you have hinted to me, require that we should enter into a new Consultation, how we are to behave our selves for the time to come.

Warren, Upon this Invitation, Father *Warren* took up the Discourse in this manner. I am still of the same Opinion that I was before. that all the good we have received, and all the good we can hope for, depend intirely upon the not meeting the Parliament: And it is my positive opinion that the Catholicks ought not, upon my pretence, or any hopes whatsoever, to suffer themselves to be cozen'd into a consent, that any Parliament should meet during this Kings life: for it will then be impossible to keep him in Ignorance, or continue his good opinion for our Interest and Power, and the low esteem he now has of our Enemies. Therefore we must no longer defer the supplying his pressing occasion for Money, and we can do it no other way, than by the help of the most Christian King. Your Reverence, we are all assured has done your utmost, and never will spare any pains in the cause of the Church: But still the matter is difficult, since some things must be found out (you say) which is proportionable in value to the Money lent. I dispute not but 'tis reasonably enough demanded, but I fear it is not feasible. For the People have for some time been jealous of a Design to part with *Tangier*, and the last Parliament confirmed them in that Suspicion, by voting a Bill to be brought in for annexing it to the Crown of *England*, and the Truth is, we have reason to fear desperate Effects from the Fury of the People, should they discover that it is Sold.

Le Chese, You have Reason, replied Father *Le Chese*, for what you say, but things are ordered already that the King of *Great Britain* may suffer *Tangier* to fall into my Masters hands without the least Suspicion. You know the *Moors* have besieged it long, and they have been assisted with Ammunition, Engineers, and some Soldiers from *France*, which it will be easie to encrease to what Quantity and Numbers we please. And your King may, upon specious Pretences, delay the sending of Succor so long, whilst we press it there so vigorously, that it must necessarily be surrendred before any Relief can come. Thus all the World will esteem it lost by Misfortune, and not by Agreement; the Crown of *England* having thereby lost all Right to it, my Master will be thought to deserve the Thanks of *Christendom*, and act agreeable to his Title of *most Christian*, in regaining so important a Place out of the hands of Infidels, who would only have made it a Den of *Pirates*. So will my Master have his Desire, your Master will not suffer in his Honour or Opinion with the People, and yet will obtain all that he aims at, Money. I think this design may be improved further, if the pretended Successor be led by some of those Lords and Gentlemen, who are principally in favour with the *Duke*; for he will run no hazard of losing any of them, and yet the Nation will be thereby made to see, that the Catholicks and his Favourites, are the only Men who offer to expose themselves on all occasions for the publick.

Sir *Thomas Preslon* then said, that this expedient had a good Aspect, and he believed would take with the King, when it came well recommended to him; so that there wanted nothing but a good colour to have perswaded him to part with that chargeable place long since, and the thing was once so far resolved on, that it was proposed in Council, by an *English Earl*, and seconded there, that it was fit to be sold, and the Sale would raise a very considerable Sum. But that Board was not then all of a piece, as it is now, and yet as well reformed as it is, and though none sit there, who will not patiently submit to any thing which is for the Interest of the *Duke*, and suited to the Kings Inclination, yet I should not think it Wisdom to adventure to make the Council acquainted with any purpose of parting with that useful and considerable Town. As soon he had made an end of speaking, Sir *John Warner* began thus.

Sir *John Warner*. I suppose the only meaning we have in furnishing the King with Money is, that we may once again provide him with an Army, for without it, his old Fears will soon return upon him, and without it, his heretical Subjects can never be reduced. But without a plausible pretence (though we were never so rich) no Army can be raised in *England*. I remember well what Endeavours were used in 1673. by Men of much greater Credit with the People than any who are now at Court, and yet they could not get together 6000 men, and half of them run away too, within a Fortnight after their Randevous at *Black Heath*, whereas in half the time on pretence of a War with *France* in the year 1677. near 40000. men were raised, by some who had little Interest or

Credit in the Country, and if at all known there, 'twas only by their Names, not their Estates. Now I confess it is my Opinion, that without the Countenance of a Parliament, nothing but the same pretence can raise an Army in *England*, and that too will not do it, unless by some other Artifices we can make the People believe, that the Court means more sincerely than the last time. I do therefore humbly propose, that his most *Christian Majesty* would permit our King to proceed in his *Negotiating an Alliance with Holland, Spain, and the Prince of the Empire*, and to suffer him to enter into a League with them (as he did once already, for the common Security of *Europe*) the *Most Christian King* can suspect no danger to himself from it. Since he is sufficiently assured that the Court of *England* has no less respect from him, and depend upon him as much as ever, and they will as certainly neglect to serve the ends of such a League, and it will be as easily dissolved, as the triple Alliance was, as soon as our ends were attained by it: Nor will it be as difficult I hope to prevail with the most *Christian King* to suffer us to declare our selves his Enemies once again, since he has had Experiences, that we can do it without diminishing our Friendship for him in the least. The necessary Consequences of this will be, that an Army must be raised and sent over and put into several Garrisons in *Holland* or *Flanders*, and may be there disciplined and made ready to execute all our Designs in *England*, as soon as they are ripe. One further use of such a League may be to make it a Bait for a Parliament, and if any thing that will make them give freely for the support of it, as they did before to support the *Tripple League*. And if they do so, care shall be taken, it shall be employed as much to their ends as what was then given. And if they refuse or deny to give Money, the Court will have an admirable occasion of breaking them, and deserting the use of Parliaments, as being grown so openly averse to all the Interests of the Nation. I hope the *Most Christian King* will never believe that he can receive Prejudice from an *English Army* in *Flanders*, whilst all its Officers are put in by his *Royal Highness*, who can never desert his Interest. He cannot trust the Protestant Party whose Destruction he has so openly endeavoured, and he knows the Catholics are too weak and too few to serve him, unless in Conjunction with *France*. Besides, your Reverence, who well knows how devoted all the Society is to the Service of the *Most Christian King*, may safely assure him, that the Duke cannot but be entirely his, whilst any Father of the Society has the Direction of his Conscience. But besides what I have said as to this particular, I am to let you know that we have resolved to communicate to your Reverence several things which have been done, and which we conceive very necessary to be done at Home, if they shall have your Approbation; Our Great Business is to get the Duke once securely settled on the Throne, for after that, Catholics have no more to fear. This the Factious Hereticks in *England* know, and therefore will not fail to lay hold on every pretence, which may disturb him and us, how little soever it be. Now we are sure he cannot be excluded by Law, whilst we can keep off Parliaments; Nor can we fear the Birth of a Nearest Heir, whilst the Queen lives. But about the time of the Queens Marriage, there were some odd Stories whispered about the Legitimation of the Duke of *Monmouth*, which are indeed at present laid a sleep; but that Duke having joyned himself with the Faction, makes us fear, least he designs to revive something of that matter, for otherwise nothing could be more senseless, than for him to incur the King's Displeasure, as he does, out of a meer Caprice; so that we, resolving to encounter him in his Policy, have again fixed that Report, which will be a handsome occasion for the D. T. to press the K. that the thing may be examined at Council, and there we can turn it to our Advantage as much as we please, by a discreet interrogating the Persons convented before them. Nor can the K. after that, deny the D. to publish in Print the Declaration which he formerly made, and perhaps we may get it enlarged, with fuller and more significant Words. We have also prepared some Medals, representing the D. of M. as Prince of *Wales*, which we will get dispersed as handsomely as we can, and that will give a Jealousie of some Design. And we should raise that Suspicion to a high Degree, if we could but get some of the Malecontented Lords, and others accused, or but suspected of confederating, to set up his Pretences, which we are persuaded will not be difficult. This will be requisite, lest otherwise the King would be offended at the making a Scrutiny into such an Affair upon no grounds.

We have also ordered it so, that several ridiculous Circumstances are joyned with this Story of his Marriage, and the Examination of the Council may be only as to those Circumstances, the Falsity and Foolishness of which will easily appear, and that may be made use of to expose the whole thing. Le

Le Chese. Here *Le Chese* asking pardon for interrupting him, said, I fear that this Project may turn to your Disadvantage, for 'tis dangerous *Quæta movere*, and 'tis possible you may awaken a Jealousie amongst the People, which you will never be able to satisfie, it being a very hard thing to convince Men that a thing is false, which they wish were true. Besides, you know the Catholics have lately been accused of a Design against the Kings Life, which, though he does not now believe, yet who knows what Suspicion it may breed in him, that the *D.* is preparing to get immediately into the Throne, when he sees him so very nice at such a time as this in removing every thing which may obstruct his coming to it, or be dangerous to him when he arrives. Nor do I see what great use the *D.* can make of such a Declaration, for Men will be apt to say, that the thing may be true notwithstanding. And though it would be highly dishonourable in the *K.* to declare such a thing, if it were not true, yet it is more than his *R. H.* himself has done, he having denied his Marriage with Mrs. *Hide*, at his first coming into *England*, with the most solemn Asseveration, not sparing to reproach and scandalize her, till she proved it.

Sir John Warner. What you object hath great weight, replied *Sir John Warner*: But first you must consider, that to have the Business Baffled upon a Solemn Hearing before the Council, and denied by a publick Declaration, cannot but damp it much, and put us in a better Condition, than we are in at present. For we fear, that if it be not now, it may come hereafter to be examined in a worse Place; whereas there is not a Lord in the Council, who will ask one Question toward the Discovery of the Truth, more than the *D.* of *Y.* desires he should; and we do hope to make the Story so ridiculous, that it will never after be taken up by a Parliament. Nor do we fear that the *K.* should grow suspicious of the *D.* or Catholics. He was never more supinely secure than he is at present; and we have so ordered the Matter, that he has no time to think himself. The whole day being taken up in some Diversion or other, nor can any Enemy come near him, to whisper Jealousies into his Ear. 'Tis for that reason principally, that he is perswaded to stay at *Windsor*, because no Man can come thither, who is a Confident, but his *R. H.* has immediate notice, and can take care to prevent any opportunity of private Access. And though we have no reason to mistrust the Council, yet we have represented to his *R. H.* how necessary it is, that he should contrive some way to be present at, though he do not assist in Debates there, lest otherwise, one time or other, some of the Lords may brake loose, and tell too plain Truths; whereas being awed by his Presence, they will not dare to venture his Displeasure, by speaking any thing against his Interest. We have also told him the absolute Necessity of getting all the Garrisons and Commands into sure Hands immediately, for Sickness as well as Age growing upon the King, 'tis time for the Successor to look about him. We are also very busie in contriving some way to divide the Faction amongst themselves, and do not despair of effecting it, since we know how ill an Understanding there is between two eminent Lords of greatest Interest with the People. We have been all this year in pain, by reason of the *Lord Mayor*, and we have reason to joyce, that things have not gone worse with us than they have. It must therefore be our business to provide a good Man to succeed him, for should the King be taken off, 'twould be of vast Importance to have the *Lord Mayor* ours. But 'tis so unfortunate, that the next Man in Order is the worst Enemy we have in all the City; and there are several Designs have been contrived for the putting him by. But our Bold and Faithful Friend the *Recorder*, who will deserve the new Preferment we have got for him, hath desired to have the Honour of that business to himself. And has prepared to prosecute him for neglecting to observe some thing enjoyned by some of the late Penal Laws, whereby he assures us, he will be rendered incapable of that Office. But if he should fail, and that he will be *Mayor*, we must resolve, that he shall run the same Fate with the *Duke of Monmouth*, and the *Lord Shaftsbury* upon the King's Death.

We must not forget to acquaint your Reverence with an unfortunate Accident, which might have ruined us, but I hope the Storm is blown over in a great measure, the Correspondence with the most Christian King and the *Irish* Catholicshath been at large discovered, and that by so many Witnesses of unquestionable Reputation and Credit, and the thing told with all the Circumstances, so that it admits of no denial; but what we could not Resist we have Diverted and have procured, that they should be sent back into *Ireland*, where we know our Friends to be strong enough to break through any thing, and we are satisfied we might trust the management of it to our Wise and Zealous Friend,

Friend, the Lord Ch. The business had been examined in *England*, had we been able to have ordered Matters so that the Examination should have ended with some Reflection on the Witnesses, and could have been sure to prevent its having been made publick. There was another thing that might cost us dear, and that was an attempt made upon one *Arnold*; a restless, hot-headed, implacable Enemy of ours; one who has much malice against us, and more cunning than Sir *W. W.* Had he been kill'd out-right it had been happy enough, for we had ordered it so, that it should have look'd like a private Revenge taken upon him by a Gentleman that had a Controversie with him. But he has escaped with Life, and our Friends were so unfortunately transported in the act that they told him the occasion that provoked them to do what they did, which he has since deposed. But however, our Confidence has saved us pretty well, and to those who will believe any thing we say. That he himself, or some other Protestants wounded him, only to cast an odium on us. But to others, whose Faith is not strong enough for that, we tell the story of the private Quarrel, and make it to proceed from thence, and it goes down well enough. I shall make your Reverence smile, when I tell you that more than one of the *English* Clergy are so careful of our Credit, that they have very industriously spread abroad the first of these Reports, as ridiculous and incredible as it is. The Design of Revenging our selves upon the Faction, by burning the Rump, and thereby raising such a Tumult, as perhaps would have given us a happy opportunity of great things, was unluckily prevented, but however, we are gainers by it, for we have upon that occasion had a handson unexpected ground to get a Proclamation published, forbidding all Bon-fires, whereby we have for the future hindred that detestable Insolence of burning his Holiness's Effigies, which gave so great Scandal to all the Catholick World, and did so animate the furious Hereticks in *England*, most of which consist of the Trading part of the Nation, and therefore it must be our Eternal Maxim, to Ruin and Impoverish them. Now we cannot burn *London* again, but we have not fail'd to do what we can; No sufficient Guard has been sent abroad to hinder the Depradations of the *Algerines* whereby we have revenged our selves insensibly of a great number of our Enemies, and shall see more destroyed, if they madly presume to continue on their Trading.

He was going on, when one of his Reverence's Pages came in, and said that *Monsieur Louvoy* was just then entred, and desired to speak with Father *Le Chese*. Whereupon he said, That he hoped the Fathers would excuse his abrupt Departure, since not only the Quality of *Monsieur Louvoy*, but the vast business which lay upon him, would not suffer him to stay, and so took leave of them. Thus the Conference broke off, but I shall not fail to watch their next coming, and to give your Lordship a quick account of their Resolutions. In the mean time be pleased to interpret favourably the Diligence and Fidelity of,

My Lord, Your Lordships most
humble, and most obedient Servant.

A N

Impartial Account

OF THE
NATURE and TENDENCY
OF THE LATE

ADDRESSES,

In a LETTER to a Gentleman in the Country.

SECT. I.

S I R,

YOU are not mistaken in taking it for granted, that I have read the several late *Addresses* to His Majesty, for being the Subject of the chief Diversion of the Town, I should have been unfit for conversation, had I not so far consulted them, as to be able, as well as others, to make them the matter of discourse and entertainment among my Friends. But whereas you are further pleased to require my inward and serious thoughts concerning them, I must crave liberty to tell you, That notwithstanding all your Interest in, and Authority over me, you should never have been able to have extorted from me what you desire, did not the Service which I owe His Majesty, and the Government, command more at my hands, than the friendship and deference which I pay you, could have obliged me unto. So that you are to ascribe my compliance with your request, to its falling in with the Fealty and Allegiance which I render my Prince. And the more Freedom, and less Reserve, you find me to use upon this Subject, you are entirely to resolve it into the Love and Compassion which I bear for the King, who I fear, is not only industriously deluded, but wofully betrayed, by the judgment which some about him pretend to make of the sense and inclination of the People from these *Addresses*.

SECT. II.

For no Applications of this nature to the *Regnant* Person are to be esteem'd of any great weight or significancy, if you do but consider the result of the many *Addresses* three and twenty year ago to *Richard Cromwell*, and how they only serv'd to render him secure till he was undermined and supplanted. For of all the *sixteen hundred thousand* that vow'd to Live and Dye by him, not so much as one man drew a Sword in his favour when he came to be laid aside. I acknowledge there is a great difference betwixt an *Usurper* and a *Rightful Sovereign*; yet that detracts very little in the present case from the importance of the consideration which I have suggested; seeing the least we are to gather from it is this, That no *Addresses* contrary to the interest and general humour of the Nation, are to be accounted of any value for a Prince to sustain himself upon. And if there be nothing else to secure our late *Addressers* to His Majesties service, but their Promise and Protestations in those Papers, he may be as much disappointed should he have occasion to trust to them, as the former Gentleman after the like security was.

Qqqqq

SECT. III.

S E C T. III.

It is astonishing as well as surprizing, that when *Petitions* had been not only discountenanced but forbidden by Proclamation, *Addressees* should so soon after be encouraged and promoted! And our amazement is greatly heightened, when we consider that the *Petitions* were in reference to matters which every body understood; and in relation to such things wherein the Law justified the Petitioners; whereas the *Addressees* respect matters which very few understand, and which the Law no ways authoriseth private men to meddle with, and which none save a Parliament have Power or Ability to decide or determine. For tho' men are to be esteem'd capable of knowing their own wants, fears and dangers, and ought to be justified in begging those means of Relief and Redress which the Law hath provided for them; yet every one is not to be accounted sufficiently qualified to determine concerning the Reasonableness and Legality of Parliamentary Proceedings and Resolves; nor is any number of men whatsoever, empowered to Umpire differences between His Majesty and His Great Council. And whereas those very *Petitions* which seem'd most peremptory, did nevertheless, with all due resignation reserve to His Majesty his full Prerogative, many of the *Addressees* import no less than the Robbing the Parliament, not only of their Right and Authority to Impeach Criminals, censure Offenders, with-hold, as well as give supplies, but of their most essential Priviledge, viz. freedom of Debates.

S E C T. IV.

Nor doth it appear to considering Persons, that any advantage can arrive to the King or Government by them; whereas the mischiefs and inconveniencies which do attend them, are obvious to every one. For, what else do they tend unto, or can they be supposed calculated for, but to divide the Nations into Factions and Parties, and to foment those Heats and Animosities among His Majesties Liege People, which are already too great to need to be farther heightened and enflamed: 'Tis His Majesties desire, as well as His Interest and Duty, to be equally esteem'd the Father and Defender of all his people; but these Addressers would possess the Nation, that they only are to be accounted his Loyal Subjects; and that all his favours are only due, and ought to be confined to them: And by threatening the generality of people, that they have forfeited His Majesties affection and care, by refusing to act as they do; they insensibly lessen the Love which his Majesty ought to have in the hearts of all his Subjects, and wonderfully abate the zeal which they would otherwise have for his Service. Nor can any say that Petitions have the same Effects, seeing among persons in the same circumstances, some may represent their wants and grievances, without prejudicing or giving offence to those who chuse silently to undergo them. And who knows, but that whilst some think they are to seek their Relief by humble Applications unto, and fervent Importunities of their Prince; there may be others who hope, that their Sovereign may from the sense which he hath of their Calamities, afford them, at last, all the succour he can, without the solicitation of their cries? But the nature of these Addressers being to commend and applaud the present posture of affairs, and to justify most of the steps and counsels by which we have been reduced into this doleful condition; they do in effect declare every one to be peevish and clamorous, that cannot acquiesce and rejoice in this state of things under which we groan and labour. And as they thereby render all those enemies unto them, whose safety and happiness they are conceived, not only to abandon, but destroy; so the very Government, through the characters of Grace and Favour which it placeth upon their Applications, runs a hazard of losing much of its respect and veneration.

S E C T. V.

And besides this and many other mischiefs, which they do naturally involve the Government and the Kingdom under; they will be found prejudicial and inconvenient to the King, in the tendency which they have to deceive and abuse him. For whereas they are designed to perswade his Majesty, that what they represent and suggest, is the common and universal sense of his people, and that he may accordingly take his measures; it is both evident in it self, and will be found so in the issue, that they contain and express only the sentiments of a few persons of little interest, and most of them of a very small and mean figure in the Nation. For if Elections of Members to serve in Parliament, be the best standard to judge the disposition of the Kingdom by, it is not so long since we had an opportunity of feeling the Pulse of the Nation; but that we may reasonably conclude, that all other things remaining as they did, the temper and complexion of the generality of the people, is also much the same. And whensoever his Majesty shall either find himself

himself obliged from the necessity of His Affairs, or from the goodness of His Inclinations be pleased, to call a Parliament, How little will he, upon a disappointment of what he is made to believe and expect, judge himself indebted to those who have so industriously deluded him?

SECT. VI.

And as they are no ways subservient to His Majesties profit or service; so neither will they in the event prove so useful either to a Popish or Arbitrary Design as some do apprehend. Not that any think the King knows of such a Design promoted by them; but there are those who may have ends in this, as in the *Dutch-War* and *Black-Heath-Army*, which His Majesty is not aware of. But tho' some little creatures may have ultimately aim'd at some such thing, by promoting of them; yet such villanous designs are, in charity, to be supposed far from the intentions of most that have subscribed them. And accordingly, when divers of the most zealous Actors in the carrying them on, have been calmly told what were the natural and ill tendencies of them, they have solemnly professed, that they would sooner be hanged at their own doors, than be intentionally accessory, to the establishing a Despotical Rule over the Nation, or the enslaving the Kingdom to Popery again. Nay, it is to be hoped, that should either or both these, at any time hereafter, more nearly and visibly threaten *England*, many of the present Addressers will, in their lawful stations, be amongst the most forward and zealous to withstand them. Nor will they in such a case find any way to expiate their indiscretion, and atone for their present folly, but by thus demonstrating, that it was no part of their intention hereby to contribute to these things. And should any in the List of the late *Thanksgivers*, be hereafter found to have promoted Addresses with a prospect of introducing either Tyranny or the Paper worship, the names and pretences of Law and Protestant Religion, which they have not only flourished their Papers with, but made His Majesties promise of preserving them the ground of their acknowledgments, and the foundation of the Tenders which they have made of their Lives and Fortunes, will entail an everlasting infamy upon them, and render them the objects of all mens contempt and indignation. And in the mean time, the jealousies and fears which some are said to have conceived of a Popish and Arbitrary design at the bottom of the Addresses, do by quickning the watchfulness of the Nation, serve not only to countermine, but to give them a total disappointment therein.

SECT. VII.

Nor yet in the next place, is the number of the Subscribers, so considerable, as to bear any proportion to those who are against them. For tho' a few busy people have made a great noise and buz in several places of the Kingdom, yet all of them put together, make not so great a number as we have seen not long since to one Petition for a Parliament. So that it is matter of wonder, that the Government for its own reputation hath not in some publick way prohibited and forbid them, and especially when it finds, that after all the neglect and scorn which the Addresses are exposed unto for their paucity and fewness, yet they have not the discretion to forbear and desist. Sir, you must needs have observed by reading the *Gazett's*, where you have the Inventory of them, that almost all the Counties, and the most principal Cities, such as *London* and *York*, and the chiefest *Towns* and *Corporations* have forbore and declined presenting any. And I may add, that even where they have been obtained, not *One* in *Ten*, and in some places not *One* in a Hundred had any hand in, or gave concurrence to them. For if it be allowed as in justice as well as modesty it ought, that whosoever have either avoided or refused subscribing, are as truly to be judged against them, as they who have positively withstood, or directly opposed them, then the *Tale* of the Addresses will make but a very small show and appearance in the muster Roll of the Nation.

SECT. VIII.

And this is the rather to be taken notice of, and doth the better evidence what opinion the people have of them, if you consider the means, ways, arts and methods that have been used and taken to advance and promote them. For besides that most of the Clergy, and many in the present Commissions both Civil and Military, as well as several of the Magistrates of Corporations, have not only interested themselves in countenancing, but been sticklers for them, as for the great *Charter* or *Petition of Right*: The Grace and Favour with which they have been received, and the marks and characters of honour which have been conferred upon divers that presented them, who for ought the world knows

An Impartial Account of the Nature and Tendency

knows, had no signal matter else to recommend them, were very proper means to have procured an universal and national application. And yet neither the influence of those who pretend to prescribe unto the understandings, as well as to direct and conduct the Consciences of men; nor the authority and advice of those, to whom all are willing to pay a respect and obedience, in whatsoever their Interest, Religion, and the Law will suffer them; nor yet the hopes of Titles and Honours, which some merely for that service have, in the truest sense, been loaded with, have been effectual to prevail with, or bring over any great or valuable number to joyn in them. And should I tell you what other Arts have been pursued to obtain men to Address, you would say, that either a sullen crossness, or some more generous Principle had possessed the Nation, that persons should every where so generally refuse and withstand them.

S E C T. IX.

And if you more narrowly enquire into the condition of those that are engaged in the Addresses, you will find their quality for the most part as inconsiderable as their number. The greatest part of those who have given thanks for Dissolving Parliaments, are such as either for want of years, or poverty, were never capable of giving a Vote in Election of Members to sit in them. Setting aside Two or Three, or a few more in a Town or Corporation that have embark't in them, the greatest part are made up of the scum and refuse of the places where they live. *Norwich*, whence we have been alarm'd with the greatest noise, yields but a small number of persons either of estate or usefulness, whose hands were annexed to the Paper which was sent up.

S E C T. X.

Nor is the moral condition of the Addressers, disagreeable to their civil: For not to mention, that those who are most Popishly inclined, have enrolled themselves among the first in the respective Lists and Subscriptions, several others of them are such who were formerly either in the number of Abhorers of Petitions, or guilty of one offence or another which the last Parliaments were about calling them to an account for. And where-soever there is either a little bankrupt Tradesman, a scandalous and disgrac'd Attorney, one whose necessity exposeth him to be biased by Crufts of Bread and Pots of Ale, any whose folly makes them pragmatistical and impertinent, or whose prodigality and ambition forceth them to look for preferment beyond their merit, these are infallibly in the front of the Addressers, and the unwearied and industrious procurers of Thanks to His Majesty for Dissolving Parliaments. So that for many of them, their manners are such, that did the King but truly understand what Character they pass under where they are known, he would esteem it a reflection upon his Honour, and an aspersion upon the wisdom and equity of His Proceedings, to be either approached or thanked by them.

S E C T. XI.

And for their Politicks, they are in most of them proportionate to their morals, and agreeable to the condition which their Birth, Education and Fortune have stated them in. For can any man believe that the *Mayors, Headboroughs, Aldermen, Bailiffs, Burgeses* and *Freemen* of *Rippon, Wigan, Windsor, Chatham, Haslemere, New-Sarum, &c.* are competent judges of what the late Houses of Commons did legally or illegally? of what is according or contrary to the Laws and Customs of Parliament? or what is agreeable or disagreeable to the fundamental constitution of the Land, which as well limits the Prerogative of the King, as fixeth the Rights, Liberties, and Authority of Lords and Commons; when almost all the *Antients* and *Benchers*, and most of the *Barristers*, as well as *Students* of the several *Inns* of Court have declared that they are things above them, and which they have neither power nor ability to make a determination concerning? Surely the Learned *Gentlemen* of the *Gown* are at least as well qualified to give their sense and opinion about these matters, as Country *Mercers, Innkeepers, Taylors* and *Thatchers* are; and yet those refuse to meddle with Addresses, as referring to things which appertain not unto them, whilst the latter make themselves Arbitrators between the King and Two Parliaments, and from their profound wisdom pass sentence against their Representatives. The Gentlemen of the Long-Robe have besides their Loyalty, wherein none dare pretend to out-strip and exceed them, as great obligations arising from interest to have sway'd them to accommodate themselves to the wishes and desires of the Court in this matter, as any persons in the Nation have; and therefore it can be nothing but their knowledg of, and their value for the Laws of the Kingdom, with the Reverence which they are ever resolved to maintain for Parliaments, that could have made them oppose Addresses, and thereby venture the displeasing those to whom they owe, and from whom they expect

so much. Nor will Twenty Thousand Hands to Addresses from Country Corporations, make that impression upon the minds of modest and thinking men, as their being cast out and refused by the Benchers and Barristers of the Inns of Court.

S E C T. XII.

Having thus far acquainted you with my freest and most natural thoughts in general about them, it is time now that we more nearly inspect and pass our Judgment upon the matter of them: And if I mistake not, the presuming to give his Majesty Thanks for *his promising to Govern by Law*, is no less than a Disloyal and gross Reflection upon him. For will not some men hereupon think that he hath Administred some just ground of fear or belief, as if he intended to govern Arbitrarily? Or doth it not insinuate that he is so unconfin'd, that if he please he may do so? or may we not say, that it plainly intimates, that the best security which we have to rely upon why he will not, is his Royal Word in his late Declaration? It doth unbecome English Subjects to thank their Prince for promising to Govern by Law, seeing as he never did, so he cannot do otherwise. His Ministers may act Illegally, and they are lyable to answer for it; but he can do nothing but what the Law directs and justifies. Nor is he only bound to this by his Coronation Oath, which is however a more Sacred and Solemn Tye than a promise in a Declaration; but his own Greatness, and his very Pterogative, as having their own Foundations in the Law, oblige him to it. For as Bracton says, *Rex habet superiorem Legem per quam factus est Rex*, Lib. 3. de Action. Cap. 9. Sect. 3. And therefore that *Lex frænum est Regis potentia*, The Law bounds and limits the Kings power. Nor can he, says Fortescue, *De Leg. Angl. Govern his People by any other power than the Law*. And as Bracton expresseth it, (*ubi supra*) *Rex nihil potest, nisi id solum quod de jure potest*; The King can do nothing but what he can do by Law.

S E C T. XIII.

But you will the less marvel at their returning His Majesty thanks for promising to Govern by Law, seeing the Tenor of all the Addresses is to intimate, That all the Right or Claim which we have by Law, in our Lives, Liberties, or Estates, is dependent upon his Majesties Will and Pleasure. This all of them suggest and insinuate, and some of them do very fully express. What else can be meant by their thanking his Majesty, *For his unparell'd Grace, Favour and Goodness, in purposing to continue to them their just Rights, Liberties and Properties.* And for his Resolution, that (*notwithstanding many Provocations*) yet his Majesty will Govern in all things according to the Laws of the Kingdom. And for his Princely Purpose, never to invade the Liberties of his Subjects. And that he hath declared, *He will never use Arbitrary Government.* Do not these and all the other Addresses imply, That tho' the Laws speak of Rights, Liberties and Properties, which belong unto us; yet they are not so secured unto us, but that his Majesty, were it not for the just and gracious temper of his Nature, might invade and destroy them? And is not this to sacrifice, as far as in them lies, *Magna Charta*, *Petition of Right*, and our *Statute and Common-Laws*, to the Sovereign Will and Arbitrary pleasure of the Prince? Whereas, thanks be to God, the King can neither disseise a man of his Liberty, nor break in upon his Property; but we are enabled to relieve our selves in his Majesties Courts. Nor are these men, for all their seeming to abandon themselves, Lives, Liberties and Properties to his Majesty's Will, to be too much trusted and relied upon by his Majesty, should he be tempted contrary to his Duty and Inclination, to offer at any thing illegal, considering how unjustly clamorous they have been against the House of Commons, *For their Illegal Votes and Orders, and usurping upon their Persons and Estates. For Tyrannizing over their Fellow-Subjects. For their Arbitrary Proceedings in the two last Parliaments, and their unlimited and illegal Imprisonments, and their Messengers exorbitant, exacting, pretended Fees contrary to Magna Charta.* For if they be so heated and transported against their own and the Kingdoms Representatives, when very many wise, learned, and indifferent persons, and who are as jealous of the least Invasion upon the Liberty and Property of the Subject, as any in the Nation, think that the House of Commons did nothing in all the Cases that are with so much warmth and resentment reflected upon, but what they both might and ought to do by the Laws of the Land and Parliamentary Presidents; Is it to be imagined, that they would very tamely lose their Lives, or suffer themselves to be silently dispossessed of their Estates, at the sole and indisputable pleasure of the Prince?

Add. from
Chatham.
Add. from
Darby.
Add. from
Burnstable.
Add. from
Hastmiers.

Division of
Sussex.
Add. from
Exon.
Add. from
Norwich.

S E C T. XIV.

Add. from
Bristol.
Add. from
Norwich.

And whereas by all the Addressees they testify with what approbation they have received his Majesties late Declaration; it is too plain, that thereby they intimate their satisfaction in the Dissolution of so many Parliaments. Nay some of them expressly *publish their unanimous consent and delight therein.* And others return his Majesty *Sollemn Thanks for giving his two last Parliaments such timely Dissolutions.* Had these People the discretion and modesty which might become them, they would have esteem'd themselves very improper and insufficient Judges of the prudentialness of that exercise of Royal Power. And this is the first president that ever *England* saw, of any Commoners giving his Majesty thanks for dismissing Parliaments. For though some of our former Kings have, upon misunderstandings arisen between them and their Parliaments, abruptly Dissolved them, and published very weighty Declarations in Justification of what they did, yet whatever submission the people yielded to what these Princes had done, or how seasonable and justifiable soever they in their own minds believed it, they never Addressed these Monarchs in a way of Thanks for doing of it. And though possibly the last Long Parliament, was through its long Sitting, esteemed a great Grievance to the Nation, and too many of its Members judged easily manageable for betraying the Liberty of the Subject, had they been powerfully tempted thereunto; and though his Majesties Dissolving them was entertained with an universal Joy, yet none had the folly to thank him for it, as knowing of what fatal consequence such an action might afterwards prove. And whether the many acknowledgments which some have returned the King for Dissolving two such Parliaments, that for what appears by their Printed *Votes* and *Debates*, were filled with Men of as great Integrity and Ability, as well as Gentlemen of as great Estates, as have in any Age met together in the great Council and Senate of the Kingdom; do become those that are well-wishers to the Protestant Religion either at home or abroad, or such as have duly considered the present state of the Nation, and the many dangers with which it is encompassed, may be worthy of their most serious thoughts, when they are at leisure to look back upon, and examine what they have done. Surely those men, who at the same time thank the King for promising to Govern by Law, never considered that it is both a fundamental Law of the Kingdom, and much of the Soul and Life of all our Laws, not only to have frequent Parliaments, but have them permitted to sit to dispatch the affairs of the Nation. Nor can they be supposed to have seriously weighed how when the Kingdom seems in so much danger from an aspiring and formidable Neighbour, our Religion and Lives so greatly in hazard by the hellish Conspiracies of the Papists, our Allies in so much need of Countenance and Assistance, that the King, though never so well inclined, as we will always believe his Majesty to be, cannot without the concurrence, aid and advice of a Parliament, do any thing that may effectually answer those weighty, importunate and loud calls. For what can his Majesty be conceived able to do in such circumstances, when he hath neither power over the Purses of his People, nor can so much as command the *Militia* of the Nation to march out of their respective Counties? But that which these Addressees imply, which is yet of more dangerous importance, is, that the very Being of Parliaments doth wholly depend upon the will and pleasure of the King. Whereas such a supposal is inconsistent with the constitution of the Kingdom, does no way comport with the ends of our Government, and might prove very dangerous to the safety and happiness of the Nation, in case we should hereafter have a King void of compassion to, and regardless of the interest of his People. For though it be left to the Wisdom of the Sovereign where he will have Parliaments to Assemble, and belongs to his Prerogative to call them when his own Princely Occasions, or the Necessities of his People do require; yet the Law which his Majesty is sworn to observe, it being a part of his Coronation Oath, *Tenere Leges & consuetudines Regni*, doth both provide that we shall have annual Parliaments, and by directing the ends for, and the affairs about which they are to meet, doth at least imply something of their continuing to sit till those affairs be accomplished, and the said ends compassed and obtained. Nor will his Majesty be ever induced to believe that he can be thought to Govern according to Law, without calling Parliaments whenever the distresses and grievances of his People bespeak and require them. Neither is it to be imagined that he should long harbour any such thought in his Royal Breast, That he can answer the directions and ends of the Law, without permitting Parliaments to sit such a convenient Season, as that they may in conjunction with his Majesty, relieve the People from their manifold fears, redress the numerous and sore Grievances of the Nation, and provide for the Safety, Strength and Honour of the Kingdom.

4 Edw. 3.
cap. 14.
36 Edw. 3.
cap. 10.

S E C T. XV.

In the next place, All the Addressees seem to be fram'd towards the expressing a willingness in the People, that the Duke of York should succeed his Majesty. And this they insinuate a readiness in the Addressers to further, without the least desire to have any provision made before-hand for the security of the Protestant Religion, or safe-guarding the Lives of such as profess it, under the Reign of one that is a known and violent Papist. For whilst the Addressers are pleased to say, *That it is the Kingdoms Interest to continue the Succession in its Due and Right Line*; And take upon them to thank His Majesty, *For his unalterable Resolutions to preserve the Crown in its due and Legal Course of Descent; and undertake to sacrifice their Lives to preserve the Kings Heirs and Lawful Successors. And offer their Lives and Fortunes to his Majesties disposal for this purpose*: All People do sufficiently understand what they aim at, and that the meaning of all this is, That they would have the Duke of York come to the Throne. But I wish they had shown so much Ingenuity and Gandour, as to have taken notice and acknowledged, that all his Majesties Subjects are as tender of the preservation of the Monarchy, and as zealous to have it continued in the Royal Line, as any of themselves dare pretend to be. For it is more than probable, that nothing so much influenced the bringing in and pressing the *Bill of Exclusion*, as a regard to the preservation of the Monarchy, which some of the best, wisest, and most Loyal of his Majesties Subjects think the coming to have a *Papish King* may shake and endanger: especially considering what this Nation felt from the last *Papist* that possessed the Throne; and how it hath been of late, and still is threatned by the Bloody Conspiracies of the *Romish Party*. Besides, it had not been amiss, if our late Addressers had owned, that the King, Lords and Commons have a power to dispose of the Succession, as they shall judge most conducive to the Safety, Interest and Happiness of the Kingdom, and that he is his Majesties Heir and Successor, upon whom the whole Legislative Power shall think meet to settle the Inheritance of the Crown. Nor would it have misbecome men professing the *Protestant Religion*, and tender of *English Liberties*, to have recommended to his Majesties second Thoughts and maturer Advice, what three several Parliaments have with so much strength of Reason insisted upon, and with so much earnestness pursued and desired. And I wish they were able to tell us what they mean, when at the same time that they engage us to defend the *Protestant Religion*, they vow, *to the last drop of their Blood, to stand by the next Successor*: And the rather, because there is some reason to believe, that many of them will not be over-forward to dye Martyrs. It would also be some satisfaction to be instructed, how they think to defend the Crown, in the preservation whereof they pretend to be ready *To sacrifice themselves and all they have*; seeing by being willing to admit a *Papist* to be King, they consent to the robbing it of the Supremacy, which is one of the brightest Jewels in it. However it is some comfort, that one end of setting on foot and carrying on these Addresses, being to make a Survey and obtain a List of all that were for the Duke of York, they do not upon the Muster Rolls appear so many as to endanger the Nation in a Civil War, in case the King should hereafter so far comply with the humble Requests of his People, as to be willing to pass the *Bill of Exclusion*, if tendered to him by a future Parliament.

Add. from the County of Somerset.

Add. from Cambridge, Ripon, Western Division of Sussex.

Add. from Hertford. Add. from Monmouth.

S E C T. XVI.

But besides what is already said concerning the Quality and Design of the said Addressees, there is this farther tendency in them all, namely, to insinuate to the Nation, that we have and enjoy a sufficient Security for our Religion, Lives and Liberties. For as if it were not enough to acknowledge, as all his Majesties Liege People do, *His Majesties Ease, Just and most Gracious Government since his Restoration; and to testify their sense of the Felicity and Happiness which all his Majesties Subjects have most comfortably enjoyed under a most Regular, Gracious and Peaceful Government*. They are pleased further to add, *That his Majesties Promise in his late Declaration, Of adhering to the Laws of the Land, and making them the Rule of his Government, is not only sufficient to allay all mens Fears and Jealousies, remove the misunderstandings of all well-meaning and reasonable People, and give us all possible assurance of enjoying the greatest Liberty and best Religion, that any People in the World have; but that no greater Security can be had or hoped for, in order to the enjoying our Religion, Liberties and Properties, than his Majesties Royal Word to Govern by the Laws*. Whereas not only four Parliaments have represented and declared the manifold Dangers which our Religion, Lives and Properties, are threatned and encompassed with; and how difficult, if not impossible it is, to preserve and secure them from the Designs that are laid against them; but the King also hath been pleased to signify the same, and that as well in several Proclamations published for the informing of his People, as in divers Speeches to his two Houses of Parliament, whose Advice he both thereupon required; and also that effectual Laws

Add. from Derby, and from the Military Officers of Surrey.

Add. from Bristol, and from Dorset.

Add. from Lynn Regis, Clifton, Dartmouth, Harneß, Grand Inquest of the County of Devon, Bristol, &c. might

might be made for the obviating and preventing those many Mischiefs and Dangers that are impending over us. And if the King's hitherto governing by Law, hath not been sufficient to discourage our Popish Enemies from Conspiring our Destruction; Can it be apprehended, That his Majesties *adherence to the Laws* for the future, will remove the Jealousies, and allay the Fears which we have of the Papists? Besides, though his Majesty is always to be supposed resolved and inclined to Govern by Law, yet there want not too many Instances, wherein his Ministers that are trusted with the Administration of Justice, have to the great prejudice of the Subject, and the Alarming the whole Nation, failed in their Duty. Our dreadful apprehensions do not proceed from any ill opinion which we have of the King, but from the implacable Hatred which the *Romish Faction* bear as well against him, as his *Protestant Subjects*; and from the Corruption of those Officers of Justice, who do either abuse or pervert the Law to base Ends, or hinder its due and Legal Execution. Nor is it our having good Laws, but their being truly executed, that will advantage and relieve us; and therefore we are to be pardoned though we profess our selves doubtful of our security by them, whilst some that have been entrusted with the administration of them, are suffered to escape the punishments which they have deserved for obstructing their course, and for perverting of them. And what if we should with all thankfulness acknowledge, that we are in some security during his Majesties Life, will the Laws which we have, without some farther and more effectual provision before his Majesties Death, contribute much to our safety, when we shall hereafter have a *Popish King* to Reign over us? But can these men be supposed in earnest, when they tell us that the Nation is in no danger, while the Papists continue so active to extirpate the *Northern Heresie*, and are in a more hopeful way to effect it than ever? Alas! the *Popish Plot*, instead of being defeated, is not so much as yet thoroughly detected: And instead of the *Papists* being dismay'd by that discovery which hath been made, or by the justice which hath been inflicted upon some of the Criminals, they are only inflam'd to prosecute their devilish Conspiracy with the greater vigour, and to execute what they intend with more bloody rage: Can any man that is not void of common sense believe, that we are safe and out of danger, when every true Protestant is in daily hazard through their Sham-plots, and by their hiring and suborning vile and execrable Villains to swear Treason against those that have any Zeal for our Religion and Civil Liberties? How can we be supposed arrived at any measure of safety, when there are an hundred things absolutely necessary to be done towards our Preservation, wherein the King, though fully disposed to adhere to the Laws, is in no capacity to meddle, without the assistance and concurrence of his Parliament? And therefore if men will after all that they have seen, felt heard and read of a damnable *Popish Plot* to destroy the Person of the King, overthrow the established Religion, and enslave the Nation to an Antichristian Foreign Power, flatter themselves upon a bare Declaration, that his Majesty will Govern by Law, that thereupon all is safe and secure, they must not take it ill if they be thought accessary to their own and the Kingdoms Ruine through their dull and blockish Incredulity, to say no worse.

S E C T. XVII.

Another ill tendency of most, if not all the Addresses, is the reviving the memory of the late unhappy troubles, which it is the Interest both of his Majesty and the whole Kingdom to have buried in perpetual oblivion. For the mentioning of that War with reflection and bitterness, serves only to make men remember three hasty dissolutions of Parliaments, and twelve years want of one, with some other things which fell out in that space, all which both preceded and had too great an influence towards the causing of it. Besides, there was a Massacre of the Protestants in *Ireland* by the *Papists* there, and a Bloody War commenced for the extirpation of the *English Government* in that Kingdom; which as it too much exasperated the minds of men towards that unhappy War which began here, so I fear the upbraiding men too much with their concern in those troubles, will not prove very useful to the party that appears most forward in it. Nor is it easy to be imagined how the mention of the late War comes to be brought upon the Stage at this time of day, seeing most that were believed either the first fomenters of, or proved afterwards actors in it, are dead and gone; and for their Children (witness many of the most violent and high flown Clergy) they are commonly found to be of Principles directly contrary to what they were. Nay, that which renders all reproachful Discourse of that War at this juncture still more strange, is that the ignominy and odium of it is designed to fall upon many of the chiefest of those that served under the Banners of the late King, or upon such who sprung from them that did, and have their Fathers loyalty mixed with their Blood. And to deal plainly, I know nothing that can so plausibly justify the Parliaments Cause in that War, as the telling the World that there was little or no difference betwixt their Principles and the Principles of those that

that sat in the Two last Parliaments, whose actions the Addressers do with so much indecency brand and asperse. And the language that is daily bestowed upon the Members of these late Parliaments, as being men of the same complexion that they of the Parliament Forty One were, will, instead of leaving any reproach upon them on whom it is intended to be fastned, beget a better opinion of those to whom they are compared, than the Addressers would be willing that they of this Age should find reason to entertain. I may add, that none have lived more peaceably, and with better submission under His Majesties Government, than they who were engaged on the Parliaments side in that unhappy War; and therefore it doth not seem an act of any great prudence to discourage them in their obedience, by upbraiding them with that, which the Law hath not only pardoned, but which they have expiated by their Loyalty since. Nor do I think that when the Parliament, after the Kings Restauration, made the Act of *Indemnity*, wherein among other things enacted which they judged necessary towards the Settlement of the Nation, they prohibited, under a Penalty, one man's reproaching another with his being concerned in that War, during the space of three years after the date of the said Act, that ever they intended, that men should afterwards with the greatest Licentiousness and Scurrility upbraid one another with it. Nay, they hop'd, that if the Spirits and Tongues of men were so long bridled and restrain'd, their Animosities would be wholly extinguished before the expiration of that time. And none but men of very implacable Spirits would call over, and with so much *Satyr* asperse men for these things; especially when there hath not been the least cause administred for it: unless it be, that such have a greater tenderness and value for the Protestant Religion and *English* Liberties, than to desire they should come to lye at the discretion of a Popish Prince, as the Addressers plainly wish they may.

S E C T. XVIII.

As our Affairs are now circumstanced, and as the state of the Protestant Religion stands at present in *England*, the Addresses carry another ill Design in them, which is, to enflame differences further among our selves, and thereby betray us into the hands of Popish Adversaries: For as if the principal thing we were to aim at, were not the preserving our Religion against the Conspiracies of the Papists, and as if the united strength of all Protestants were not little enough to effect and obtain it; no less will serve most, if not all of the late Addresses, than the Executing the Laws with the utmost Severy against Protestant Dissenters. And as if their very thinking of a Phanatick had made them *delirous*, they will not allow the Parliament to make the least abatement in the terms of Conformity, or to give Indulgence in, or dispense with one Ceremony; though all the *Ceremonies*, and the present *Form of Worship*, and the very *Hierarchy* it self, can plead no other Authority by which they are enjoin'd, or by which the Subjects of this Land are bound to comply with and submit to them, but some Acts of Parliament. Nay, so little do the persons, that have Subscribed the Addresses, understand the Interest of the Protestant Religion, as now by Law Established, that they would not have an Act to be repealed, which may under a Popish Prince, and in case Popery come to be set up, prove as fatal and mischievous to them that are at this time the Conformable Clergy, as it will to the Dissenters; though at present it do only reach and be applied to the latter. And that I may not seem to impose upon them: Is not all this the full and plain import of their joining *Popish Recusants* and *Seditious Sectaries* all along together? Of their affirming *Fanatical Parties* to be as dangerous as *Popish*? Of reckoning up the *pernicious* endeavours of the *Sectaries*, in consort with the *Devillish Designs* of the Papists? And as if this were not sufficient to declare what they mean, they not only take upon them to thank His Majesty, *For not passing Limitations or Nullifications of such wholesome Acts as were designed for Preservation of the Reformed Religion, especially the 35th of Queen Elizabeth, and for not suffering that Law, and others made against Conventicles to be Repealed: but they humbly pray His Majesty, that those Laws now in force, may vigorously, speedily and equally be put in Execution against all Papists and Protestant Dissenters; And particularly, that the Statutes of the third of King James, and the five and thirtieth of Queen Elizabeth may be put and continued in their due Execution.* It is something strange to find a company of men so zealous for the Protestant Religion, when divers of them are the Disgrace and Reproach of any Religion which they take upon them to profess. But can we believe that they are Protestants, or at least that they understand the Protestant Interest, who represent Dissenters as equally dangerous to the Government and Established Religion, as the Papists are? It would administer a ground of too ill an Opinion of our Supreme Rulers and Publick Ministers, should they allow and ap-

Add. from
Ripon.
Add. from
Salisbury.
Add. from
Clifton.
Dartmouth,
Harnes, &c.
Add. from
Norwich.
Add. from
the Western
Division of
Sussex.
Add. from
Norwich.
Add. from
Ripon.

An Impartial Account of the Nature and Tendency

prove what these men have suggested. For are there any among the Dissenters, that have sworn Obedience to a *Foreign Power*, that they should be thus put into the same List of dangerous persons to the Government with the Papists? Or is there any Security that the Legislative Power can require of them for their Peaceableness, that they are not willing and ready to give? Yea, Is not the Religion of the Dissenters established by Law, as well as that of the Conformists, though there be some things Ordained, as the Accoutrements and Modes of the National Religion, which the Non-Conformists cannot submit unto? For as the only Foundation upon which the Dissenters go, is that their Faith and Worship are agreeable and according to the Scripture, which is the alone Rule of the mind of God to all his People in what they are to believe and perform: So from the Authority which the Scripture hath allowed unto it by the Law of this Land, and by the Consonancy of their Doctrine to the Establish'd Articles of Faith, they humbly conceive that they have the countenance and warranty of the Law for their Religion. Nor doth the Law disallow or forbid any thing which they profess; it only enjoins some further things, which they cannot come up to. And as the Dissenters do not oppose any one Doctrinal Article of the Church of *England*, so they blame and judge no man for the Canonical Obedience that they promise to the Bishops, or their Conformity to the Ceremonies; but merely beg that themselves may be excused. And should they be gratified as to all which in our present circumstances they do desire, it would amount only to this, That they may Preach the Gospel without being liable to Imprisonment, Fines, and Banishment. Nor do they covet Ecclesiastical Preferments, or Parochial Maintenance; tho' were it not for some things, which are made the *Tests* to those Places and Advantages, and which without any Inconveniency might be laid aside, there are many of them that are as worthy of them as others. Neither can that which is filed the Church of *England* suffer any diminution in the number of its Members by an Indulgence to Protestant Dissenters, having both *this will I give thee*, and thus *saith the Magistrate* on their side, unless the Clergy should fall short in Abilities for their Function, and in having *Thus saith the Lord* to plead for them. But how dare these persons, who have subscribed the Addresses, assume the confidence to censure Parliaments, for going about to repeal Laws, which by woful Experience have been found not only useless, but inconvenient, both to the Protestant Religion, and the Safety of the Kingdom? For as Parliaments have power to Enact Laws, so they have the same power to Abolish them, whensoever they find, that instead of answering the Ends which they were made for, they have proved prejudicial to the Common Good. And surely one may humbly say, and that without the least Reflection upon the Grace and Favour with which the Addresses have been received, that two Parliaments, so fairly and unanimously chosen, and consisting of Gentlemen of the Chiefest Quality, best Parts, greatest Wisdom, most plentiful Estates, and firmest Integrity to the Interest of Religion and the Nation, and all, except a very few, Zealous Sons of the Church, and unfeigned Defenders of the present Hierarchy, Discipline, Forms and Rites of Worship; were in all probability as able and likely to know what will let in or keep out Popery, what will preserve us from, or betray us into the hands and power of the Papists, as Twenty or Thirty persons in a Country or Corporation, most of whom are not worth Forty Shillings Freehold a year, and many of them not able to speak Ten words of Sense together. But it is easie to conjecture who in divers places set these Addressers at work, and who put that in reference to Protestant Dissenters into so many Addresses, namely, either persons Popishly inclined, that they might thereby continue and heighten our differences, and make us the more easily a prey to *Rome*; or some ignorant Clergy-men, who besides their enmity at Phanaticks, have little else to recommend them to the obtaining a common and civil respect, but their *Cassock* and their *Surplice*.

S E C T. XIX.

And as if all this that I have with the greatest sincerity and justice represented unto you, were not enough to blast the credit of the Addresses, and to expose the weakness and folly of such as have subscribed them; there is something yet further, and which is infinitely more pernicious that they pursue and aim at, namely, to possess His Majesty and the World with a belief, that there is a design carried on by Protestants against the King and the Government. Hence they not only thank His Majesty For recollecting the several steps and advances by which we were betrayed into our former confusions; but take upon them to observe, that there are some ill men who labour the subversion of our Religion, Liberties and Properties, under the specious pretence of Reformation, being the same method that they brought to pass all the miseries of Usurpation

Add. from
Southwark.
Add. from
Bristol.
Add. from
Reading.

Usurpation and Tyranny that this Kingdom lately groan'd under; and that being seasoned with the old leaven of Common-Wealth Principles, they have endeavour'd to make a misunderstanding betwixt His Majesty and his people, and to throw it back into the same confusion we were deliver'd from by His Majesties happy Restauration; and that not only the good order and quiet of the Government hath been most wickedly attempted to be disturb'd and shaken, but to be overthrow'n and utterly subverted, and the very Monarchy it self to be destroy'd. Surely had these persons who presume to suggest this unto His Majesty, known any Republicans or Fanaticks, who by possessing the people with groundless fears and jealousies, would bring us into Anarchy and confusion, or that would subvert the known Laws of the Land, wherein our Religion, Liberty and Property are wound up; they ought by their Allegiance to have depos'd against them, and given in their names, that they might be Prosecuted and come to suffer according to the greatness and quality of their Crimes. But alas! this was a Province they durst not undertake, and the attempting it would have too palpably laid open their Folly, and expos'd their malice. And because many have been drawn to set their hands to Addres'es, who do not well understand whence this clamour of a Presbyterian Plot proceeds, I shall briefly unfold the mystery that lies at the bottom of all this loud and groundless noise. The Papi'sts being charged with a Hellish Conspiracy against the person of the King, our Religion, Government, and the lives of all His Majesties Protestant Subjects; and this being proved against them to the satisfaction of all the rational part of mankind, as well by their own Papers, as by the Testimonies of many unquestionable Witnesses; and finding that neither their impudent denying it, nor their fallly scandalizing some, and endeavouring to debauch and corrupt others of the Kings Evidence, could either bring them off from the Scandal of this Plot, or free them from the Punishment, which were a Parliament permitted to Sit, more of them must undergo; they retreat to this as their last refuge, namely, the amusing the Nation with the Buz of a Presbyterian and Fanatick Plot, carried on to overthrow the Government, and destroy the Monarchy, under pretence of prosecuting a Popish Conspiracy. And towards the obtaining credit to this, they not only form'd the Intreague of the Meat-Tub, but invented the Shams of Sir Edmund-bury Godfrey's murdering himself, and my Lord Howard's penning Fitz-Harris's Libel; which though they have shamefully redounded upon themselves, yet having no other Game to Play, they are still labouring, partly by suborning Witnesses, and hiring impudent Rascals to swear Treason against Protestants, and partly by a groundless and impudent clamour, to infect unwary and heedless persons with the perswasion of such a design. And it is from the Papi'sts that weak and credulous people have taken the scent of a Presbyterian Plot, and ascribe it to His Majesties Wisdom and Sovereign Authority, that we are not relapsing into the Miseries and Confusions of Tyranny and Usurpation, by the subtil artifice and cunning contrivances of the old enemies of the Monarchy and the Church, who by the insinuations of Religion, Liberty and Property, prevail, upon weak and unwary men to make them subservient to their factious and ambitious designs. Surely, these men never consider'd what a notorious scandal they have hereby endeavour'd to fasten, not only upon many of His Majesties peaceable, best and most loyal Subjects; but what a vile aspersion they have cast upon the whole Kingdom, which greatly suffers in its honour, by standing represented in the face of all the World, as broken and divided within it self, and sinking back again into all confusion: Nor have they duly weigh'd what a Reflection they lodge upon the Kings Government and Conduct, that He who was so lately Restored by the unanimous Consent, and with the universal Joy of all his People, should in so few years have lost the Love and Reverence of so great a number of His Subjects, as are intended here to be accus'd. Can there be any thing vented to the diminishing His Majesties Reputation more abroad, and for discouraging Foreign Princes and States from entering into those Alliances which are necessary for the good, as well of His Majesties Kingdoms, as of Christendom, and for the lessening the expectation and confidence, which those with whom we are in League, ought to remain possess'd with, of our being able to answer the ends of them, than this account which these men present His Majesty with, of the posture of the Nation, and temper of his People, and which our Gazettes have diffus'd into all Countreys? And doth not this also directly tend to the filling His Majesties Protestant Subjects with Jealousies one of another, thereby to take them off from their watchfulness over, and to weaken their endeavours again the Papi'sts, who labour no less to destroy the Dissenters, than those that Conform to the National Form of Worship, and to the Established Discipline and Ceremonies, and for the withstanding of whose Bloody Designs, and saving our Religion and the Nation from the effects of their malicious and desperate Conspiracies, the united Hearts and Hands of all true Protestants will be found little enough? And will not this Character, which the Addres'es are pleas'd to give

Add. from Derby.
Add. from Monmouth.

Add. from Ludlow.
Add. from some in the Middle Temple.
Add. from the Deputy Lieutenantcy, &c. of Somerset.

Add. from Rye in Suffolk.

of the state of England, wonderfully embolden that aspiring Monarch, the French King, to proceed in his encroachments upon the Dominions of his Neighbours, as judging himself secure from any Check which the King of Great Britain can give him? For as his Majesty can be in no capacity to discourage him from further Attempts against the Peace of Europe, or to hinder his Conquest, but by being great in the Hearts of all his own People, and in a happy Correspondence and Conjunction with his Parliament; so we have reason to fear, that they who endeavour to beget Misunderstandings betwixt his Majesty and his Subjects, and to create in them mutual Distrusts each of other, are either Pensioners to France, or under the Conduct and Influence of them that are.

S E C T. XX.

But as if it were not enough for those Persons, who have subscribed the Addresses, to fasten so vile a charge as you have heard, upon many of the people, whom the better to reconcile credit to what they say, they are pleased to call *Republicans* and *Fanatics*, they have also taken the boldness to involve the two last Parliaments under the guilt of the same crimes and accusations; Accordingly they tell his Majesty, *with what an infinite patience and condescension, he did submit to hear unreasonable jealousies promoted in them, illegal courses and proceedings vindicated, and all the great and most benign Indulgences of their Sovereigns Goodness misrepresented.* And they thank the King, for his steady Resolutions of maintaining the Right of the Crown, &c. against the Arbitrary Proceedings of the House of Commons in the two last Parliaments; And for not signing such Bills as were prepared for his Majesties Subjects to associate to destroy the Succession, and extirpate Monarchy. Yea they Profess, Their admiration of his Majesties Princely Wisdom and Council in the Conduct of his Affairs, in obtaining (viz. by Dissolving Parliaments) the Designs of the pernicious Enemies of the Church and State. And declare, That they cannot but admire his Majesties Transcendent and Sacred Wisdom, which in that dangerous and confused Juncture, did so seasonably interpose, and so calmly suppress the threatening flames which were breaking forth. And thereupon they present their Acknowledgments to his Majesty, For timely preventing (by Dissolving those Parliaments) the Designs of ill men, who in the same Age were a second Time attempting by the same methods as formerly, the destruction of his Loyal Subjects, the diminution of his Lawful Power, and the debasing the Grandeur of the English Throne. I know not by what means these false and slanderous Accusations charged upon two Parliaments, ought to be called; but it is to be hop'd, that the next Parliament will at once tell the Nation, by what name the Law stiles them, and what punishment it hath allotted for those that have made themselves guilty of so vile and scandalous an Aspersion, as that two Parliaments had gone about to destroy the Protestant Religion, as Legally established, and to extirpate Monarchy. Whereas those excellent persons, of which the two last Houses of Commons consisted, had many of them ventured their Lives, and lost their Estates for the Monarchy; all of them were such; as upon Principles of Reason, and from Inclination, are true Lovers of it. They not only had too late and sad experience of a Commonwealth, to be fond of returning to it again; but they know, that no other Government can agree with the Genius of the People, and sute the ballance of the Nation, but a well-regulated Monarchy, such as ours is by the Laws of our Constitution. Nor can his Majesty be supposed to believe, that ever they will prove true to the Monarchy, who are not true to the Rights and Privileges of Parliament. For they who can revile and despise one Essential part of the Constitution, have nothing to oblige them to adhere to the other, but the prospect of preferment, or worldly Gain. And to see men countenanced, that revile any one part of the Legislative Authority, may be too ill a president, and which his Majesty is obliged to see redressed, from the love that he beareth to the Crown. For whosoever strikes at Parliaments, does by undermining the Government as by Law Established, shake the very Pillars of the Throne.

S E C T. XXI.

Nor do they only intimate a Design carried on against the Government, but they insinuate a Change to be made by Force, and upon that supposal, while we are in, and to the apprehensions of all sober persons, likely to continue in perfect Peace, they offer their Lives and Fortunes to the disposal of one part of our Legislative Constitution and Power, in opposition to another. *We yield, say they, our Lives and Fortunes at your Majesties Command, and will to the last drop of our Blood, and penny of our Fortunes, stand by your Majesty in Defence of your Royal Person, Crown and Government, and lawful Successors.* So that by reading the Addresses, one would be inclined to

Add. from
OkehamptonAdd. from
Norwich.Add. from
Winchester.
Add. from
Bristol.
Add. from
Cardiffe.
Add. from
Monmouth.

to think, that these men construe the Kings Declaration, as the Erection of the Royal Standard; and that they intend these Papers for the Muster-Rolls of those that are to fight under his Majesties Ensigns: But as we hope that his Majesty will never have occasion for War, unless it be in relieving his Allies abroad against the Ambition of France, who to all his other Invasions upon the Dominions of his Neighbours, is at this time about employing his Forces against the Subjects of his Majesties Kinsman, the Prince Palatine; so we hope, that both in that Case, and in any other, wherein his Wisdom and Justice will suffer him to engage, he shall not only have the Treasure of all his People, through the Gift of a Parliament, at his Command, but all their Persons and Lives ready to be sacrificed in his Service. It is no marvel that such thirst after War, who have little to live upon in time of Peace, and who may expect to be Gainers by Troubles: But his Majesty, who besides the Care he is to have of the Lives and Estates of all his Subjects, hath more to lose himself alone, than all his people, will not, I judge, be prevailed upon to hearken to rash and heady Councils. And how unequal ought they to apprehend themselves to the Body of the Nation, who when they have had the Folly and Confidence to present an Address in the Name of a whole County, have at the same time acknowledged, That they were not able to carry it for any that his Majesty might be inclined to recommend; to serve in the next Parliament for the Shire.

Address from
Bedfordshire.

S E C T. XXII.

The last thing I would observe concerning the Addressees, is their making small numbers of men without previous advice had with each other, and without being authorized or entrusted to judge of the state of the Kingdom. For tho' it be lawful for any one man, and much more from any number of men, to represent to his Majesty their own wants and dangers, and accordingly beg redress and relief; yet to declare the state of the Nation, belongs to no number of private persons whatsoever, But appertains only to the Parliament, as being the Representative of the whole Kingdom. And therefore the Addressees, by assuming to themselves a right and authority to determine about the State of the Nation, and to judge concerning those things, which the Trustees of all the People met in the great Council, are only proper and by Law allowed to meddle with, have in my apprehension made too near an approach to the altering the whole Government. And as they must expect that the judgment which they have passed upon persons and things will at one time or another come under a review; so matters which have either been misrepresented by them, or in reference to which Parliaments have been arraigned, may before then, come to be so well understood by his Majesty, and all things so well adjusted between him and his people, that the Addressees may never find themselves able to decline, nor be in a condition to controule the Jurisdiction of the next Parliament, to which we shall at present leave them.

S E C T. XXIII.

But whereas you may be ready to enquire, that if the Addressees be so pernicious, both in the subject, matter and tendency of them, and so contrary to the general sense of the Nation, as I have declared; why the people do not by Petitions from all parts of the Kingdom let the King know so much? This I shall trouble you a just and true answer unto, and then discharge you from any further trouble.

1st, It is the nature and temper of some men most to disserve the Cause, and prejudice the interest which they have espoused, when they are quietly let alone to run their course and to take their full swing. For according to the old Proverb, Give some people Rope enough and they will Hang themselves. The only way to know what they would be at, was for others to look silently on a while. And through giving them scope, their own madness and folly hath made them more ridiculous, than any opposition whatsoever from others could have rendered them.

2^{dly}, The Petition first from my Lord Mayor, the Court of Aldermen, and the Common Council of London, and then from the Common-Hall, is a Copy of what all the Nation would say. In London, as in a Glass, we see the face of the whole Kingdom: For being the Epitome as well as Metropolis of the Nation, whatsoever it says, is a compendious exprelling of the sense of England.

3^{dly}, Men have been willing to forbear Petitioning, lest by the disparity in the numbers to Petitions and to Addressees, some, thinking all safe through the consideration of the multitude that aim'd at what themselves did, might grow more secure than their dangers will well allow; and lest others upon the same inducement might have taken occasion to grow more insolent than their duty and Interest obligeth them unto.

T t t t

4^{thly},

An Impartial Account of the Nature and Tendency, &c.

ably, His Majesty having received the Addresses with that favour which he did, wife men thought it best not to administer occasion of his refusing *Petitions* that they foresaw would come accompanied with more hands. It is good manners in Subjects not to grate too hard upon their Prince; but if he have done any thing wherein they can't acquiesce with that contentment which they desire, to give him time and liberty to recollect himself.

ably, If *Petitions* shall be judged either necessary or convenient, it is not so late but that they may be yet set on foot. And if it should prove uneasy for any to find it so, they must blame themselves, who by their unwearied carrying on of Addresses, make it needful for his Majesties good Subjects at last to undeceive him; which they can no other way do, at least till a *Parliament* but by *Petitions*. I am,

S I R,

June 28. 81.

Your most ready and

Humble Servant.

Two Letters written by the Right Honourable Edward Earl of Clarendon, late Lord High Chancellor of England, one to His Royal Highness the Duke of York, the other to the Dutchesse, occasioned by Her embracing the Roman Catholick Religion.

S I R,

I Have not presumed in any manner to approach Your Royal Presence since I have been marked with the Brand of Banishment; and I would still with the same awe forbear this Presumption, if I did not believe my self bound by all the obligations of Duty to make this Address to You. I have been too much acquainted with the presumption and impudence of the Times, in raising false and scandalous reproaches upon Innocent and Worthy Persons of all Qualities and Degrees, to give credit to those bold Whispers which have been too long scattered abroad concerning your Wives being shaken in her Religion: But when those Whispers break out into noise, and publick Persons begin to report that the *Dutchesse* is become a *Roman Catholick*: When I heard that many worthy Persons of unquestionable Devotion to your Royal Highness, are not without some fear and apprehension of it, and many Reflections are made from thence to the prejudice of your Royal Person, and even of the Kings Majesties: I hope it may not misbecome me, at what distance soever, to cast my self at your Feet, and beseech you to look to this matter in time, and to apply some Antidote to expel the Poyson of it. It is not possible your Royal Highness can be without Zeal, and Intire Devotion for that Church, for the Purity and Preservation whereof your Blessed Father made himself a Sacrifice; and to the Restoration whereof You have contributed so much your self, and which highly deserves the Kings Protection and Yours, since there can be no possible defection in the hearts of the People, whilst due Reverence is made to the Church. Your Wife is so generally believed to have so perfect Duty, and intire Resignation to the Will of your Highness, that any defection in Her from Her Religion, will be imputed to want of circumspection in You, and not using your Authority; or to your connivance. I need not tell the ill consequence that such a mutation would be attended with, in reference to your Royal Highness, and even to the King himself, whose greatest security (under God) is in the affection and Duty of his Protestant Subjects. Your Royal Highness well knows how far I have always been from wishing that the *Roman Catholicks* should be prosecuted with severity; but I less wish it should ever be in their power to be able to prosecute those who differ from them, since we well know how little moderation they would or could use.

And if this which People so much talk of, (I hope without ground) should fall out, it might very probable raise a raise a greater storm against the *Roman Catholicks* in general, than modest Men can wish; since after such a breach, any Jealousies of their presumption would seem reasonable. I have written to the *Dutchesse* with the freedom and affection of a troubled and perplexed Father. I do most humbly beseech your Royal Highness by your Authority to rescue Her from bringing a Mischief upon You and her self, that never can be repaired; and to think it worthy your Wisdom to remove and dispel those reproaches (how false soever) by better Evidence than Contempt, and hope you do believe that no severity I have or can undergo, shall in any degree lessen or diminish my most profound Duty to His Majesty or your Royal Highness, but that I do with all imaginable Obedience submit to Your good Pleasure in all things.

God Preserve Your Royal Highness and keep me in your favour,

Sir,

Your R. H. most Humble and Obedient Servant,

CLARENDON.

THE

THE
Earl of Clarendon's
LETTER
TO THE
Dutcheſs of YORK.

YOU have much reason to believe that I have no mind to trouble you, or displease you, especially in an argument that is so unpleasant and grievous to my self; but as no distance of place that is between us, in respect of our Residence, or the greater distance in respect of the high condition you are in, can make me less your Father, or absolve me from performing those obligations which that Relation requires from me: So when I receive any Credible advertisement of what reflects upon You, in point of Honour, Conscience, or Discretion, I ought not to omit the informing You of it, or administering such advice to You, as to my understanding seems reasonable, and which I must still hope will have some Credit with You: I will confess to You, that what You wrote to me many Months since, upon those Reproaches which I told You were generally reported concerning Your defection in Religion, gave me so much satisfaction, that I believed them to proceed from that ill Spirit of the Time that delights in Slanders and Calumny; but I must tell You, the same report increases of late very much, and I my self saw a Letter the last week from *Paris*, from a person who said the *English* Ambassador assured him the day before, that the Dutcheſs was become a Roman Catholick, and which makes greater Impression upon me; I am assured that many good men in *England*, who have great Affection for You and me, and who have thought nothing more impossible, than that there should be such a change in You, are at present under much affliction, with the observation of a great change in Your course of Life, and that constant Exercise of that Devotion which was so notorious; and do apprehend from Your frequent Discourses, that you have not the same Reverence and Veneration, which You use to have for the Church of *England*, the Church in which You were Baptized, and the Church the best Constituted, and the most free from Errors of any Christian Church this day in the World, and that some persons by their Insinuations have prevailed with You to have a better Opinion of that which is most opposite to it, the Church of *Rome*, than the Integrity thereof deserves. It is not yet in my power to believe that Your Wit and Understanding (with Gods blessing upon both) can suffer you to be shaken further than with Melancholick reflections upon the Iniquity and wickedness of the Age we live in, which discredits all Religion, and which with equal license breaks into the Professors of all, and prevails upon the members of all Churches, and whose Manners will have no benefit from the Faith of any Church.

I presume You do not intangle Your self in the particular Controversies between the Romanists and us, or think Your self a competent Judge of all difficulties which occur therein; and therefore it must be some fallacious argument of Antiquity and Universality confidently urged by men who know less than many of those You are acquainted with, and ought less to be believed by You, that can raise any Doubts or Scruples in You; and if You will with equal temper hear those who are well able to inform You in all such particulars, it is not possible for You to suck in that Poyson which can only corrupt

corrupt and prevail over You, by stopping Your own Ears and shutting Your own Eyes. There are but two persons in the World who have greater Authority with You than I can pretend to, and am sure they both suffer more in this Rumour, and would suffer much more if there were ground for it, than I can do; and truly I am as unlikely to be deceived my self, or to deceive You, as any man who endeavours to pervert You in your Religion: And therefore I beseech You let me have so much Credit with You, as to persuade you to communicate any Doubts or Scruples which occur to You, before You suffer them to make too deep an Impression upon You. The common Argument, that there is no Salvation out of the Church, and that the Church of *Rome* is that only true Church, is both irrational and untrue; there are many Churches in which Salvation may be attained as well as in any one of them: And were many even in the Apostles time, otherwise they would not have directed their Epistles to so many several Churches, in which there were different Opinions received, and very different Doctrines taught. There is indeed but one Faith in which we can be saved, the steadfast Belief of the Birth, Passion and Resurrection of our Saviour; and every Church that receives and embraces that Faith is in a state of Salvation; if the Apostles Preach true Doctrine, the reception and retention of many Errors, do's not destroy the Essence of a Church; if it did, the Church of *Rome* would be in as ill, if not in a worse Condition, than most other Christian Churches, because its Errors are of a greater magnitude, and more destructive to Religion. Let not the Canting Discourse of the Universality and Extent of that Church, which has as little of Truth as the rest, prevail over You; they who will imitate the greatest part of the World, must turn Heathens, for it is generally believed that above half the World is possessed by them, and that the *Mahometans* possess more than half the remainder: There is as little question that of the rest which is inhabited by Christians, one part of four is not of the Communion of the Church of *Rome*, and God knows in that very Communion there is as great discord in Opinion, and in matters of as great moment, as is between the other Christians.

I hear you do in publick discourses dislike some things in the Church of *England*, as the Marriage of the Clergy, which is a point that no *Roman Catholick* will pretend to be of the Essence of Religion, and is in use in many places which are of the Communion of the Church of *Rome*; as in *Bohemia*, as those parts of the *Greek* Church which submit to the *Roman*: And all men know, that in the late Council of *Trent*, the Sacrament of both kinds, and liberty of the Clergy to Marry, was very passionately press'd both by the Emperor and King of *France*, for their Dominions; and it was afterwards granted to *Germany*, though under such conditions as made it ineffectual: which however shews that it was not, nor ever can be look'd upon as matter of Religion. Christianity was many hundred years old, before such a restraint was ever heard of in the Church; and when it was endeavour'd, it met with great opposition, and was never submitted to. And as the positive Inhibition seems absolutely unlawful, so the Inconveniences which result from thence, will upon a just disquisition be found superiour to those which attend the liberty, which Christian Religion permits. Those Arguments which are not strong enough to draw persons from the *Roman* Communion, into that of the Church of *England*, when Custom and Education, and a long stupid resignation of all their faculties to their Teachers, usually shuts out all Reason to the contrary, may yet be abundant to retain those who have been Baptized, and Bred and Instructed in the Grounds and Principles of that Religion, which are in truth not only founded upon the clear Authority of the Scriptures, but upon the consent of Antiquity, and the practice of the Primitive Church; and men who look into Antiquity, know well by what Corruption and Violence, and with what constant and continual Opposition those Opinions which are contrary to ours, crept into the World; and how unwarrantably the Authority of the Bishop of *Rome*, which alone supports all the rest, came to prevail, who hath no more pretence of Authority and Power in *England*, than the Bishop of *Paris* or *Toledo* can as reasonably lay claim to, and is so far from being matter of Catholick Religion, that the Pope hath so much, and no more to do in *France* or *Spain*, or any other Catholick Dominion, than the Crown, and Laws and Constitutions of several Kingdoms gave him leave, which makes him so little, (if at all,) considered in *France*, and so much in *Spain*: And therefore the *English* Catholicks which attribute so much to him, make themselves very unwarrantable of another Religion than the Catholick Church professeth; and without doubt they who desert the Church of *England*, of which they are Members, and become thereby disobedient to the Ecclesiastical and Civil Laws of their Country, and therein renounce their Subjection to the State, as well as to the Church, (which are grievous sins) had need have a better excuse than the meeting with

The Earl of Clarendon's Letter to the Dutchess of York.

some doubts which they could not answer; and less than a manifest evidence that their Salvation is desperate in that Communion, cannot serve their turn: And they who imagine they have such an evidence, ought rather to suspect that their Understanding hath forsaken them, and that they are become mad, than that the Church which is replenished with all Learning and Piety requisite, can betray them to Perdition. I beseech you to consider, (which I hope will over-rule those ordinary Doubts and Objections which may be infus'd into you) that if you change your Religion, you renounce all Obedience and Affection to your Father, who loves you so tenderly, that such an odious mutation would break his heart; you condemn your Father and your Mother, (whose incomparable Virtue, Piety and Devotion hath plac'd her in Heaven) for having impiously Educated you; and you declare the Church and State, to both which you owe Reverence and Subjection, to be in your Judgment Antichristian: You bring irreparable dishonour, scandal and prejudice to the Duke your Husband, to whom you ought to pay all imaginable Duty, and whom I presume is much more precious to you than your own Life; and all possible ruine to your Children, of whose company and conversation you must look to be deprived, for God forbid that after such an Apostasy, you should have any power in Education of your Children. You have many Enemies, whom you herein would abundantly gratify; and some Friends, whom you will thereby (at least as far as in you lies) perfectly destroy; and afflict many others who have deserved well of you.

I know you are not inclined to any part of this mischief, and therefore offer those Considerations, as all those particulars would be the infallible Consequence of such a Conclusion. It is to me the saddest circumstance of my Banishment, that I may not be admitted, in such a season as this, to confer with you; when I am confident I could satisfy you in all your Doubts, and make it appear to you, that there are many Absurdities in the *Roman* Religion, inconsistent with your Judgment and Understanding, and many Impieties inconsistent with your Conscience; so that before you can submit to the Obligations of Faith, you must divest your self of your Natural Reason, and common Sense, and captivate the dictates of your own Conscience, to the Impositions of an Authority which hath not any pretence to oblige or advise you. If you will not with freedom communicate the Doubts which occur to you, to those near you, of whose Learning and Piety you have had much experience, let me Conjure you to impart them to me, and to expect my Answer before you suffer them to prevail over You.

God Bless You and Yours.

THE

THE BENEFIT OF THE BALLOT;

With the NATURE and USE thereof;
Particularly in the Republick of VENICE.

THE Use or Practice of the *Ballot* hath been very ancient in the Eastern Countries; And *Postellus* conceiveth, that the *Venetian* use of the *Ball*, is the same with that, which was of the Lot in the Commonwealth of *Israel*, and of the *Bean* in *Athens*.

Cicero himself doth give a very good Account, and a very great *Encomium* of the *Table* or *Ballot* of the People of *Rome*; And certainly *Rome* nor *Carthage* had ever attain'd to their Grandeur and Reputation in the World, had it not been for the *Ballot*. By this only Art (we had almost said) the Commonwealth of *Venice* hath preserv'd it self against the most potent Enemies for these 1300 Years; and it hath flourish'd in the greatest splendour of any State in *Europe*.

Where the *Balloting* is us'd, those States are most free from all Factions and Rebellions.

There, Persons of the most accomplish'd *Parts* are advanc'd for their Integrity and Worth.

There, Vertue is as speedy a Ladder to climb unto Honour, as Nobility of Birth; and a good Man is as much respected as a great.

Every one giveth his Election and Vote freely, and that without the fear of Great Ones, or Favour to Friends; but according to the Value and Worth of the Persons, do they give their Suffrages; and for those who are of the most Noble Spirits: Not for Persons designing their own private Interest, to the impoverishing of the publick.

There is not a place for *Pensioners*, who are the Burs of a Nation, and the Suckers which hinder the growth of any State.

They are very just in their Rewards and Punishments; which rightly laid, do balance Government.

By these means their Councillors are of great Honour and Wisdom; for mean men make it their Master-piece of Credit, to give venturous Councils, which no great or wise Man would or durst: And Princes usually find Instruments more for their Will and Humour, than for their Service and Honour; which never can be so in this State: For they ever prefer safe Councils with Reason, before rash, which only Chance can make prosperous.

Their management of their Treasure is prudent, and their Officers frugal in the disposal of it; Knowing well, that good husbandry may stand with great Honour, as well as breadth with height; and certainly nothing doth consume it self like Prodigality, (which some by mistake call Liberty;) for if it be long us'd, it takes away the means to continue it; and consequently it doth make a State poor; or else to avoid Poverty, its often enforc'd to Oppression, and thereby become odious.

It is necessary (like *Venice*,) for every State to have a full Treasure, if it be but for the keeping up of its Reputation abroad; for the power of a State is valued according to the fulness of its Purse, rather than the largeness of its Territories.

The

The Benefit of the Ballot.

The Officers in that State are but few ; and they make choice of such as are knowing : For, being rich, they need not abuse the State themselves ; and, being knowing, they will not suffer others to do it.

But in some Monarchies, where there are such multitudes of Officers, (which is a great calamity) they serve for nothing, but to rife the Princes Purse ; and the fuller they fill their Coffers, the more facile is their Justification, when question'd.

Neither are they for making of Parties, or for Debaucheries in Elections ; as it is observ'd (to our great grief) in some other places.

There are no Tumults or noise at their Votes or Suffrages, which in some places are so great, that Strangers (hearing the shouts and noise they make,) have conceiv'd themselves to be at *Ephesus*.

That State that useth it, must needs have the greatest advantages against others which use it not : Neither is it possible to be destroy'd but by another State, which useth the same.

Carthage had never been subdu'd by the *Romans*, but that the *Romans* us'd the *Ballot*, as well as they themselves ; And that makes us often to think, that *Venice* preserving her ancient Rules and Methods of *Balloting*, must be immortal.

Let us consider, that *Anno* 1508. when the Emperour, and most of the Kings and Princes of *Europe* entred into a League against Her, (by this one practice) how prudently she behav'd her self against them all.

We need not instance the prudent conduct, and the management of their Affairs against the most formidable power of the *Sultan*, which would have been a terrour, if not a Confusion, to the greatest Princes of *Europe* ; if we consider the *Ottoman* power, and the continuance of those Wars ; And we are apt to conceive, that by this Art they have done more severe execution, and given a greater disturbance to the *Ottoman* Forces, than all the Princes of *Europe* (tho' all conspir'd against them) during the Holy War ; For by reason of their Divisions, Piques and Animosities among themselves (which by the *Ballot* would easily have been prevented) they never effected any Action of Grandeur, or gain'd any place but to lose again.

Whether the *Ballot* be so practicable in a Monarchy, where all great Officers and Honours are at the disposal of a Prince, and by him conferred as a reward of Services ; We must submit that to their pleasures.

But certainly to that State wherein it is entertain'd, the advantages which thereby accrue, must needs be very great ; and would be the best expedient to establish a Monarchy can never be destroy'd, but by Factions and Divisions, which can never happen in that State where the *Ballot* is used.

Galgee the King of *Mindao*, a Prince who had many Kingdoms and great Dominions, being in a War ; and for the better carrying on of the same, assembled his Grand *Conciliado*, or *Convention of States*, (for without them no Money could be rais'd,) which consisted of *Magnifico's* and *Populo's* ; (as with us in *England*,) that is, of *Lords* and *Commons*. They being assembled, granted many Royal Aids to the King ; But being continued together over long, they fell into Parties, (as great Bodies are very apt to do,) Some accusing the most eminent Ministers of State for their ill Council, and male administration of publick Affairs ; Others opposing the granting of any further Aid, affirming that Taxes and Impositions ought to be in the State, as Sails in a Ship, not to charge and over-lade it, but to conduct and assure it.

The King finding so many of them to be Troublesome, the better to obtain his own ends, took them off by Honours, Preferments and Pensions ; But thereby the King became Indigent, the Subjects miserably poor, and the great Council (which ever us'd to be a Medicine to heal up any Rupture in a Princes Fortune,) were grown worse than the Malady, broken into Parties, because others were preferr'd in Honours before them, who, (as they conceiv'd) were much inferiour to themselves in Merit ; and commonly the People cannot endure excessive Fortune any where so ill, as in those who have been in equal Degree to them ; and nothing begets more disdain, than to see others go before them in the Princes Favour, who come behind them in Virtue and Worth.

The Kingdom being in this Distemper, and the King incircled in so many Infelicities ; Vnly, a *Persian*, an excellent Person, and a great friend to *Galgee*, advis'd him not to Dissolve his great Council, (for at that juncture it might hazard his Dominions, and prove fatal to him, it being the great Idol of the People,) but to continue them during his Life ; And the better to reconcile all Interests, to cause 30 to be chosen out of the *Conciliado* to be of his *Council Di Stato*, (or *Privy Council* as we call it,) whereof 15 to be *Lords*, and 15 to be *Commons* ; and all those to be Elected by themselves by the *Ballot*, out of the most Virtuous and publick Spirited persons amongst them : And every Year 10 of those to be remov'd out of the *Council*

Di Stado, and to return to the *Conciliado* or Great Council; and by the *Ballot* to make choice of other 10 of the most Eminent amongst them for Integrity and Parts.

King *Galgee* gave an exact observance to his sober Council, and by these means he united all Parties in his Council; and there was such a due administration of Justice in his Dominions, and such vertuous Persons were chosen for the management of Publick Affairs, that in a short time King *Galgee* became so potent, and belov'd of his People, (for that Prince who will gain their affections, must give them Ease and Plenty,) that when *Badurins* King of *Cambain*, invaded *Mindao* with an Army of 150000 Horse, and 500000 Foot; that Prince, by the assistance of his own Subjects, and of some mercenary *Persians*, and *Zagathay*, defeated and destroy'd that great Army.

Certainly, it was great Wisdom in *Vanly* to give this Council, so it was great Prudence in King *Galgee* to follow it; for the Great Council consisting (or at least presumed to consist) of the most wise and sufficient Persons, of all his Dominions: the Privy Council and others, the great Officers of State, being, by the *Balkat*, chosen out of the most eminent of them for Parts, and Integrity, there must needs be a rare Felicity of Government.

There could be no Complaints of the Male-administration of the Ministers of State, (which usually makes the greatest noise) they being vertuous and wise, and chosen out of the *Ballot* by themselves; neither were they, who were advanc'd to Honour, envied (which is ever an Attendant upon Greatness) by any of the *Conciliado*; because they themselves, in time, might attain to that Dignity, if their Wisdom and Integrity should in worthy them.

Which was a rare Happiness; for great Men may secure themselves from Guilt, but not from Envy; and we have observ'd, that the greatest in Trust of Publick Affairs, are ever shot at by the Aspirings of those, who deem themselves less in Employment, than they are in Merit.

Therefore it highly concerns great Ministers of State, to keep Sentinel; for every step they tread is pay'd with Fate, and every Misfortune of theirs commonly procures them as much dishonour, as if they had been perfidious in their Practice, and their Unhappiness is deem'd for a Crime.

Therefore let those, who are rais'd to the Height of their Greatness, consider that Princes Favours are always perillous; and that it's a difficult thing to stand long firm upon Ice, and that the Fall (how gentle soever) will never suffer them again to rise.

But King *Galgee*, by his prudent Government, had a peculiar Felicity in his Reign, and established his Dominions upon the Center of a flourishing Happiness; yet we cannot but observe one great Solæcism in point of State, in King *Galgee's* rewarding so many Persons, for being troublesome unto him; for that Prince, who does practice it, shall find, that no sooner he takes off one, but presently another gets up; and it will animate others to do so, when they find such encouragement for being troublesome; and at last, if the Prince be not able to gratifie all, (which is impossible for him to do) it may turn to the dissolution of the Government.

But certainly King *Galgee* could have no kindness for those Persons, he had so advanc'd (Preferment being the Reward of Virtue, and not to gratifie disquiet Spirits) and the People who are ever jealous of their Rights, must look upon them, as betrayers of their Liberties; and the end of such persons (if one well observe it) is commonly very miserable: And the Subjects never so much repine at their Contributions, as when they observe them to be the Rewards of Persons, to whom Fortune, not Merit, gives a growth.

It was a Remark of *Henry the Fourth of France*, that such Persons, who made the greatest noise in the Parliament of *Paris*, were men of the least sufficiency; but they had soft tongues, and hard faces, they did not vent their own Conceits, but the projections and designs of others; and they were like hollow singing Bullets, which usually flew but half way to the Mark, whereas the designer doth execution but makes no report.

It was afterwards observ'd, that the Successors of this great *Galgee*, not imitating his excellent Arts of Government, and neglecting the choice of the great Ministers of State by the *Ballot*; by reason whereof men of no sufficiency were promoted to the highest Offices of State, which gave discouragement to others of more desert; and, by their male-administration, discontent to all: Thereby their Countrey in a short time, was overcome by *Merhamed the Mogul Tartar*. Whereas if they had observ'd the Prudentials of *Galgee*, and us'd the *Ballot*, (which had been a Wall of Steel to them) that had been invincible.

There is no Government but this of the *Ballot* may suit with, if the Prince, and his great Council, please to make a Law for the practice of it; neither it is any

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diminution to the Prince's Dignity, to depart with the conferring of Offices, when, by the use of the *Ballot*, all things will multiply to Honour, and the aggrandizing of his Name.

For many times it's as fatal to a Prince to have bad Officers under him, as for himself not to be good.

The Revolt, which was made from *Richard* the Second, was more for the displeasure taken against Sir *John Bushy*, Sir *William Bagot*, Sir *Henry Green*, &c. who manag'd the Publick Offices under him, than against the King himself.

For Princes, in the Elections of their Officers, do more respect their particular affections, and to serve their turns, than the sufficiency of the Persons elected; and more Kingdoms and Dominions have been overthrown by the ill management of Officers, than by the severity of the greatest Tyrants; and the Investiture of the meanest Persons to great Commands, hath often prov'd fatal to the greatest Undertakings.

An Instance whereof is that of *James* the Fifth of *Scotland*, who in the year 1542. invaded *England* with an Army of 60000 Horse and Foot; and was met with the Lord *Wharton*, then Warden of the North-West Marches; the Battel being ready to joyn, one Sir *Olivier Syndere*, (the *Scottish* King's Minion, but of no great Extraction, or Skill in Martial Affairs,) was by the King's Order proclaim'd General; which the *Scottish* Nobility took in such Indignation, that they threw down their Arms, and suffered themselves to be taken Prisoners; there being not one man slain on either side: Whereas if they had made choice of a Captain General themselves by the *Ballot*, one, who had good Skill in Martial Affairs, and whom they would willingly have follow'd; what Actions of Grandeur they might have effected, we leave to the judicious to consider.

The Practice, and Method, which the State of *Venice* useth in their Elections by the Ball, may be read at large in *Contarini*, *Gianti*, and *Sanseverino*; but in case these Authors be wanting; Mr. *John Ray*'s Observations, Printed Anno 1673. will fully inform you, who hath (folio 157.) exactly collected out of the said Authors, all the Observables in their Elections; which would be over tedious to express here, the same having been perform'd so particularly, and excellently, by that learned Gentleman.

We will here set down, in a few lines, somewhat of the Practick Part (for it is us'd in some Cases with more nicety, than in others) in great Councils of State; we will mention the most facile here.

The Electors being assembled in some convenient Place, (as a great Hall, &c.) the doors are shut up, and the Prime Officers, who assemble, or call together the Electors, keep the Keys till the Election be over.

The *Syndick*, or chief Officer for that purpose takes the *Ballot-Box*, and opens it in the view of all the Company, to see that it is empty, and without secret Conveyances; then placeth it on a Table for that purpose at one end of the Room, and calls such of the company as he thinks may make most dispatch; gives to each a Ball in the sight of the People, a little Ball made of fine Linnen, as at *Venice*; he puts into the Box, either the Affirmative, or Negative, and so departs to one side from the rest; and then he calls the next, and does the like to him, and so the rest, till all are call'd; all, who have voted, stand apart by themselves.

The Box is somewhat long and hath a Partition in the midst, the which hath two Holes to drop the Balls in; which are Taper-wise, broader in the top, and narrower at the bottom; the right hand Hole is for the * Affirmative, and the left for the Negative.

And because that no man shall know on which side a man puts his Ball, (who is giving his Vote) there is a place roundish made in the Box, to put in the Hand and Arm, almost half way to the Elbow, so as the Hand being in, the Party may let his Ball drop as he pleaseth.

When all have done Balloting, the Box is open'd, and what is in the Affirmative noted down.

Then the next Competitor is Balloted for, as the former, and so of the rest; and he who hath most Votes in the Affirmative, is elected.

All very easily perform'd in a short time, without noise, without tumult, without animosities; and the most deserving always is elected.

* In some Places they use Beans.

* They may also be distinguished by their Colours, black and white.

A

POLITICAL CATECHISM,

Serving to instruct those that have made the
Protestation concerning the Power and Priviledges of Par-
liament; taken out of his His Majesties Answer to the
19 Proposition.

Question.

HOW many simple kinds are there of Civil Government of States,
and Commonwealths?

Ans. There are three kinds of Government among men; Absolute Monarchy, Aristocracy, and Democracy, pag. 17.

Quest. 2. Are there any of these simple Forms perfect?

Ans. All these have their particular Conveniences and In-
conveniences, pag. 17.

Observ. 1. Experience hath taught men every where to acknowledge this, and accordingly there never was long (if at all) continued any of these Forms exactly Simple; though some have more seemed such than others. Also in all mixtures there is commonly some one of these Forms more conspicuous than the rest, from whence such a particular Govern-
ment hath its denomination.

Quest. 3. Is the State of England governed by any one of these kinds simply?

Ans. The Experience and Wisdom of your Ancestors hath moulded this [Government] out of a mixture of these, pag. 18.

Quest. 4. What a kind of Government then is that of the State of England?

Ans. Regulated Monarchy, pag. 18.

Observ. 1. If this Government be a mixture of all these, and Regulated Monarchy; then it is a fond thing with us to talk of an Absolute Monarchy, and what an Absolute Monarch, is, or may do. And it is only the language of Flattery that holds such Discourses.

2. It needed not to be counted Solecism (as some would persuade us) to speak of Free Subjects in a Monarchy, such a Monarchy as ours is.

3. If this Government be a mixture of all three, then the House of Commons, the Representative Body of the People, must needs be allowed a Share in the Government (some at least) which yet is denied,

pag. 19.

4. If this Government be a mixture, then is not the Government according to these Laws, solely trusted to the King, as seems to be affirmed, page 18.

5. If the Government be regulated, why do men tell us that the King is above all Law? for it is by Law that he is regulated.

6. If the King be Regulated by the Law, then is the King accountable to the Law, and not to God only, as men would make us believe.

7. If the Monarchy or Regal Authority itself be regulated, then whatsoever is done by the King, undeniably without and beyond the Limits of that Regulation, is not Regal Authority. And therefore,

8. To resist the notorious Transgressions of that Regulation, is no resisting of Regal Authority. And,

9. It is so far from being a Resisting of the Ordinance of God, that it is not so much as resisting the Ordinance of Man.

Quest. 5. By whom was this Government framed in this sort? or who is to be accounted the Immediate Efficient of the Constitution thereof?

Ans. The Experience and Wisdom of your Ancestors hath so moulded this, pag. 18.

Observ. 1. If our Ancestors were the moulders of this Government, then the King hath not his Power, solely, or immediately, by Divine Right.

Three kinds of Govern-
ment amongst men.

Never any of these kinds
of Government continued
long exactly simple.

The Government of Eng-
land moulded out of a mix-
ture of Monarchy, Aristo-
cracy and Democracy.

If England be governed
by a Regulated Monarchy;
then it is vain and meer flat-
tery to talk of an Absolute
Monarchy.
Free Subjects.

The House of Commons
hath a share in this Govern-
ment.

The Government not to
be trusted in the King.

The King not above Law.

The King accountable to
Law.

Whatever is done by
the King beyond the limits
of Law, is not Regal Au-
thority.

No resistance of the Or-
dinance of God.

This Government was
moulded by the wisdom of
your Ancestors.

The King hath not his
power, solely and immedi-
ately by Divine Right, much
less by right of Conquest.

2. Much

A Political Catechism.

2. Much less hath he his Power or Authority by Right of Conquest.
3. But the Immediate Original of it was from the People And is so, Then—

The King to produce his grant if his power be questioned.

4. In questioned Cases the King is to produce his Grant (for he hath no more than what was granted) and not the People to shew a Reservation; for all is presumed to be Reserved, which cannot be proved to be granted away.

Quest. 6. Is this Regulated and mixt Monarchy, as good as an Absolute Monarchy, or better, or worse?

This excellent Constitution of Government hath made this Nation famous and happy.

Ans. This Excellent Constitution of this Kingdom, (the Ancient, Equal, Happy, Well-poised, and never-enough Commended Constitution of the Government of this Kingdom, page 17.) hath made this Nation so many years both famous and Happy, and to a great Degree of Envy, pag. 20.

This Kingdom hath the convenience of all three kinds of Government.

Quest. 7. How comes it to pass that this Constitution is so excellent?

Ans. The Experience and Wisdom of your Ancestors hath so moulded this, out of a mixture of these, as to give to this Kingdom (as far as Humane Prudence can provide) the Conveniences of all three, without the Inconvenience of any one, pag. 18.

Absolute Arbitrary Power destructive to the Kingdom.

Observ. 1. Then those that would place in the King, an Absolute and Arbitrary Power to do what he List, are Destructive to the Nations Happiness, and Enemies to the Kingdom.

It is not the greatness of the Kings power over his people, but the restraint of that power, that hath made this Kingdom happy.

2. If this mixture cause this happiness, then it is not the greatness of the Kings Power over his People, but the Restraint of that Power that hath made this Kingdom famous and Happy; for other Kings have Power at large, but not so much restrained; which largeness of their Power hath raised those Kings indeed, (but their Kingdoms) to a great degree of Envy.

Whereon the largeness of peoples happiness depends.

3. Hence we discern, that it is possible for Kings to envy their Peoples Happiness, because the largeness of the Peoples Happiness depends much upon the Restraint of the Kings Exorbitant Power.

No Marvel if Jesuitical Councils be active to overthrow the happiness of this Constitution.

4. If this mixture and well-poised Constitution have raised this Kingdom to so great a Degree of Envy, no marvel if Jesuitical Councils be Active to overthrow this Happy Constitution.

The good of Monarchy.

Quest. 8. What is the Convenience or Good of Monarchy?

Pernicious Councillors to a Monarch who Counsel to bring in Strangers, &c.

Ans. The Uniting of a Nation under one Head, to resist Invasion from abroad, and Insurrection at home, pag. 18.

That advise him to authorize and permit to Plunder, Rob, Spoil and Imprison, &c. in his name.

Observ. 1. What Pernicious Councillors are they then to a Monarch that advise him to bring in from abroad German Horse, or an Irish Army, or a Fleet of Danes to invade this Kingdom; or to imploy Dunkirk Ships to seize upon his Merchants, which is so formally contrary to the proper Good and End of Monarchy it it self?

2. Or are they better or worse that Advise him to Authorize, or even permit any in his Name to Plunder, Rob, Spoil, Imprison any of his Subjects, whom they have found peaceably in their Houses, or at work in the Fields, and have not disobeyed any Legal Command of his?

Quest. 9. What is the Ill of Absolute Monarchy? or the Inconvenience to which it is Lyable?

The ill of Absolute Monarchy prone to Tyranny.

Ans. The Ill of Absolute Monarchy, is Tyranny, pag. 18.

Sister for the subjects to restrain the King of some power than to grant him too much.

Observ. 1. Therefore the more Absolute a Monarch is, the more prone to be a Tyrant.

2. Therefore also it is safer to restrain the King of some Power to do us hurt; and the Danger is greater to the People in enlarging the Kings Power, than in restraining it somewhat.

The good of Aristocracy.

Quest. 10. What is the Good or Convenience of Aristocracy?

Good for the publick Benefit of the State that conjunction of Councils in Parliament should be made use of more than once in 13 or 14 years.

Ans. The Good of Aristocracy is the Conjunction of Councils in the Ablest Persons of a State for publick Benefit, pag. 18.

Observ. Then surely it is for the Publick Benefit of the State, that this Conjunctions of Councils in Parliament should be made use of more than once in thirteen or fourteen years; and the Law for a Triennial Parliament (if there were not others before for the holding of a Parliament yearly) was a most necessary Law, as also that it should not be dissolved for fifty days.

The Intention of the Constitution of this Government.

2. It was not then intended in the Constitution of this Government, that the King in the greatest matters of importance for publick Benefit, should

should only hear what they say, and then follow it, or reject it, meerly at his own Pleasure; for this may be as well done in an Absolute Monarchy.

3. Neither is it agreeable to the Constitution of this Kingdom, to withdraw the King from affording his presence to his Great Council of State, that so the private Councils of private men may be preferred before those whom the Law and the Constitution of the Kingdom counts the ablest to judge of publick benefit.

Quest. 11. What is the Ill of Aristocracy, or the Inconvenience to which it is lyable?

Ans. The Ill of Aristocracy is Faction and Division, page 18.

Observ. What shall we say then to those Counsellors that have abused the King, by perswading him first to withdraw himself from his Parliament, and then to call away the Members of both Houses, when yet without the consent of both Houses, this Parliament cannot be Adjourned to another place, much less Dissolved? Yet if all would have come away at call, had it not been Dissolved for want of legal Numbers remaining? And what greater Faction or Division can there be, than such as divide between King and Parliament, and between the House and their Members? Are not they most pernicious Instruments, that make Monarchy it self, (whose ends is to unite as was said before) thus far guilty of Faction and Division.

The ill of Aristocracy.

The mischief of evil Council in withdrawing the King from his Parliament, and to call away the Members of both houses, to the end to dissolve.

Quest. 12. What is the Good, or Convenience of Democracy?

Ans. The good of Democracy is Liberty, and the courage and Industry which Liberty begets, page 18.

The good of Democracy.

Observ. 1. Then the more Liberties are Encroached upon, the more the people will be rendered Cowardly and Poor, as may be plain enough seen by comparing the Valour and Riches of this Nation in Q. Elizabeths days, with what had been of late Days.

The more Liberties are encroached upon, the more cowardly and poor it renders the Nation.

2. The King himself, when once his Subjects by having lost their Liberties, shall lose withal their Courages, will prove the greatest loser; for then his Kingdom will be an easie Prey to any Foreign Invader, or even to a home-bred Usurper, that could gather any sudden Strength, and would promise more Liberty.

In the loss of liberty the King himself shall be the greatest loser.

Quest. 13. What is the Ill of Democracy, or the Inconveniences to which it is lyable?

Ans. The Ills of Democracy are Tumults, Violence, and Licentiousness, page 18.

The ill of Democracy.

Observ. 1. If these be the Evils for which the peoples Liberty ought to be Restrained by the Mixture in this Government, then the Restraint of the Liberty should be measured according to the Exigency of these Evils, and so much liberty need only be restrained as is sufficient for the prevention of these Evils.

Restraint of liberties should be measured according to the exigency of evils.

Quest. 14. What is the mixture of this Kingdom, which gives it the Conveniences of all the three forementioned kinds of Government, without the Inconveniences of any one?

Ans. In this Kingdom the Laws are jointly made by a King, by a house of Peers, and by a House of Commons chosen by the people: All having free Votes and particular Priviledges, page 18.

The Laws of this Kingdom made by King, Peers and Commons, gives it the conveniency of all three kinds of Government.

Observ. 1. Whereas there hath been great Question made by many what is meant by the Power and Priviledges of Parliament, mentioned in the Protestation, which hath been so generally made throughout the Kingdom. There is no reason to doubt but those things which the King grants afterward to be the particular Priviledges of each House, and of both, are their certain Priviledges according to Law, and the Constitution of the Kingdom; and to the maintaining of them every one that hath made the Protestation is most strictly bound, without per-adventure or shift.

The Priviledges of Parliament are their certain Priviledges according to Law and the constitution of the Kingdom.

2. That the Priviledges which the King challenges to Himself, are to be yielded to, only so far forth as they are consistent with the acknowledged Priviledges of the two Houses; because the Monarchy being acknowledged to be a regulated Monarchy, it is the Priviledges of the two Houses of Parliament that makes the mixture, and so they must regulate and interpret the Priviledges of the King, and not the Priviledges of the King regulate or interpret theirs, save only to the maintaining still the Regal Dignity, and the Succession according to Laws.

The Priviledges that the King challengeth are so far to be yielded unto, as they are consistent with the acknowledged priviledges of both Houses.

The Government trusted to the King by the Law of the Kingdom, and challenged by the King to hold it, will all responsibility of what has become of it, and all account of saving it, be on

The Privileges above-mentioned are only so far trusted, as that they be not prejudicial to the Privileges of Parliament, in cases of necessity.

The Government trusted to be according to the Laws.

To resist notorious illegal violence, is not to resist the Kings Authority.

For the Subjects sake their Rights are vested in the King

The good of the Subjects is to be preferred.

Whoever counsels the King against the good of Subjects, is an enemy to King and Commonwealth.

The purpose and intention of the Privileges of both Houses.

The Law presupposes such cases to fall out, and on whom the blame is imposed.

No wonder if Favourites be such Enemies to Parliaments and privileges.

The trust to be reposed in the two houses by Law.

The special Privileges of the house of Commons.

The House of Commons more careful for the Subject than the King, &c.

Strange that the House of Commons should fight against liberty and property of the Subject.

No Money may be levied either for Peace or War, or under pretence of publick necessity, without the Commons first propounded it.

If the house of Commons be a Conserver of Liberty, it must have power in some cases to levy Money, &c.

Quest. 15. What Privileges doth the King challenge to himself?

Ans. The Government according to these Laws is trusted to the King: Power of Treaties of War and Peace, of making Peers, of choosing Officers and Councillors for State, Judges for Law, Commanders for Forts and Castles, giving Commisison for raising men to make War abroad, or to prevent or provide against Invasions and Insurrections at home, Benefit of Condemnations, power of Pardoning, and some other of like kind are placed in the King, page 18.

Observ. 1. That all these are ordinarily in the King, Experience and Custom Teaches, even those that know not the Law by reading; but by what hath been noted before, and follows after, it is to be understood only so, as not to prejudice the Privileges of the Houses of Parliament, especially in cases of Necessity, of which hereafter. Also,

2. It is acknowledged here, that the Government Trusted, is to be according to the Laws, and so all these Things are not absolutely in the King; and for instance, Pardons, the Law denies power of Pardoning wilful Murther; And benefit of some Confiscation belongs to some private Lords of Mannors.

3. If Government only according to Law be trusted to the King, then to resist Notorious Illegal Violences, is not to resist the Kings Authority.

Quest. 16. For what end is this Authority trusted to the King, and placed in him?

Ans. For our Subjects sake these Rights are vested in us, page 17. The Prince may not make use of this high and perpetual power to the hurt of those for whose good he hath it, page 19.

Observ. 1. Then the good of the Subjects is ever to be preferred before the Monarchical greatness of the King (the end is ever more considerable than the means) *Salus Populi is suprema Lex.*

2. Whoever counsels the King to any thing against the good of his Subjects, is the Kings Enemy as well as the Commonwealths, by attempting to run him from that which is the end of his Authority.

Quest. 17. To what purpose especially are the Privileges of the House of Commons and House of Peers?

Ans. That the Prince may not make use of this high and perpetual power to the hurt of those for whose good he hath it, and make use of the name of publick necessity for the gain of his private Favourites and Followers, &c. page 19.

Observ. 1. The Law then supposes, that such Cases fall out, though it then Charge the blame upon those Favourites and Followers, and not upon the King (as we shall see by and by.)

2. We need not wonder then why Private Favourites and Followers are such Enemies to Parliaments and their Priviledges, which are on purpose to hinder their gains; Of which also more anon.

3. The two Houses are by the Law, it seems to be Trusted, when they declare that Power is made use of for the hurt of the people; and the name of publick necessity made use of for the gain of Private Favourites and Followers and the like.

Quest. 18. What are the special Priviledges of the House of Commons towards this?

Ans. The House of Commons, an Excellent conserver of Liberty, is solely intrusted with the first propositions concerning the Leagues of Spanes which is the Sinews as well of Peace as of War, &c. page 19.

Observ. 1. It seems then the House of Commons is presumed to be more careful for the Subjects Liberties, than either the King, or the House of Peers.

2. Then it must needs be strange for any to conceive (as the Kings Declarations would perswade) that the House of Commons would fight against and Subvert the Liberty and Property of the Subject, and the Kings Favourites and Followers fight for them, and protect them.

3. Then no Moneys may be Levied, neither for Peace nor War, no not under Pretence or of publick necessity, (as Ship-Money and Monopolies were) without the House of Commons first propound and grant it.

4. If the House of Commons be an Excellent Conserver of Liberty, it must needs have some power in some Cases to Levy Money even without the Kings consent; or else it will be utterly impossible to conserve Liberty at all. Of which likewise more anon.

Quest. 19.

Quest. 19. But if the Kings private Favourites and Followers have actually persuaded him to any thing against the Laws and Liberties of the Subjects, with what further Power and Privileges is the House of Commons intrusted toward the conserving of Liberty.

Ans. With the Impeaching of those, who for their own Ends though countenanced by any surreptitiously gotten commands of the King, have violated that Law, which he is bound (when he knows it) to protect; and to the protection of which they were bound to advise him, at least not to serve him in the contrary, &c.

page 19.

Observ. 1. Then it is not excused to any that Violate the Laws, that they serve the King in it.

2. The Law counts all Commands from the King, which are any way contrary to the Law, Surreptitiously gotten.

The House of Commons is intrusted with power to impeach such as have actually persuaded the King for any thing against the Laws and Liberty of the Subjects, &c.

No excuse to any one violating the Law, to say they serve the King in so doing.

What account the Law makes of all commands surreptitiously gotten from the King.

The Parliament do legally lay the blame of all violation of Law upon the Kings Favourites that obtain unlawful Commands.

No command of the Kings is to hinder the Impeachment of such.

The King is bound not to protect any of his Followers or Favourites against Impeachments.

3. Then the Parliament speaks according to the Law, when they constantly lay the blame of all violations upon the Kings Favourites and Followers, and their getting Surreptitiously Commands from him, and not upon the King himself.

4. No command of the King is to hinder the Commons from Impeaching such as have violated the Law.

5. The King is bound not to Protect any of his Followers and Favourites against the Commons Impeachment of them; because he knows and affirms, that he is bound to Protect the Laws, and that this is the Law, that the Commons are to Impeach such.

Quest. 20. What is the special Privilege of the House of Peers in the former Case of such Favourites and Followers of the Kings as are Impeached by the Commons? and so to divide all matters in Question between the King and the People?

Ans. The Lords being intrusted with a Judicatory power are an Excellent Screen and Bank between the Prince and the people, to assist each against any Encroachments of the other, and by just Judgments to preserve that Law which ought to be the Rule of every one of the three, page 19.

Quest. 21. But have the two Houses power to put their Judgments into Execution, as well as to Impeach and Judge?

Ans. The power of punishment is already in your hands according to Law, page 20.

Observ. 1. Then again it is no wonder that the Kings Favourites and Followers hate Parliaments, (who not only hinder their Gain, but have Power to punish them) when they have violated the Laws.

2. Then the Lords (and much more the two Houses together) are supreme Judges of all matters in difference between the King and the People, and have power to prevent all the Kings Encroachments upon the people, as well as the people unto him.

3. Then the King is bound not to protect any whom the Lords upon the Impeachment of the Commons have Judged Delinquents; For he hath granted that he is bound to protect the Law, and that according to Law the power of punishing (even of his Favourites and Followers, before spoken of) is in their hands, and they cannot punish them, so long as he protects them.

4. Then the Law allows them as the Supreme Judicatory (even that which must be a Skreen between the King and the people, and assist the people against the Kings Encroachments, and punish the Kings Favourites and Followers, though countenanced by Surreptitiously-Gotten Commands from the King) a power to bring such as they have Judged, (or to Judge) to Condign punishment, which is granted to all Inferiour Judges in their Circuits and Jurisdictions.

5. Then if those Delinquents get the King to protect them, Surreptitiously get Commands of him, to raise Arms to Shelter themselves against the Judgment of the two Houses; the two Houses have power by the Law to raise not only the *Posse Comitatus* of those Counties where such Delinquents are, to apprehend them, but also the *Posse Regni*, the power of the whole Kingdom if need be; or else the power of punishment is not in their hands according to Law, and it would be safer condemning and scorning and opposing the highest Judicatory the Parliament, than any Inferiour Court, a Judge of Assize, or the like: and they that could get Commands to Violate the Law before, would easily get protection against

Judicature power in the special privilege of the Lords House, which is an excellent Screen and Bank between the King and People.

The House have power to put their Judgment in execution.

No wonder that the Kings Favourites hate Parliaments.

The two Houses are supreme Judges of all matters in difference between King and People.

The King is bound not to protect Delinquents.

The Law allows the upper house to be the supreme Judicatory, and to be a Skreen between the King and the People, &c.

The Power of both Houses is by Law to raise Arms if need be, for the apprehending of Delinquents.

gainst the Parliament when they are Questioned; if the Parliament had no power to raise Arms to suppress them.

Quest. 22. But if there be an Attempt or Danger, that the Kings Favourites and Followers go about to change this Regulated Monarchy into an Arbitrary Government, and so into Tyranny; is there Authority in the Houses sufficient, according to what was forementioned, to remedy this?

A power legally placed in both Houses is more than sufficient to prevent Tyranny.

Lawful for both Houses to raise an Army to defend themselves against any power raised against them.

The Parliament are legal Judges in danger of Tyranny, and have power to command their judgment to be obeyed, &c.

Lawful for the Parliament to provide for their own and the Kingdoms safety and to command the people to this purpose, both when arms are actually raised and when they discern a preparation thereunto.

Legal power in time of danger to put into safe hands Forts, Ports, Magazines, Ships, &c.

Legal power to levy Moneys, Arms, Horses, Ammunition of the Subjects in such cases of danger, without or against the consent of the King, &c.

In all these things acknowledged by the King, and clearly following from his acknowledgments, all men may see the power and privileges of Parliament.

Then since the two Houses have so often declared their intention in settling the Militia securing Hull, &c.

All men may see that they have only used that legal power which is in them for punishing delinquents, prevention and restraining of Tyranny.

Concerning the Government of the Kingdom.

Ans. Defence legally placed in both Houses is more than sufficient to prevent and restrain the power of Tyranny, page 20.

Obsev. 1. Then at least whatever Power is necessary to prevent or restrain the Power of Tyranny, is confessed to be Legally placed in both Houses, for else there is not power sufficient, much less, more than sufficient.

2. Then it is lawful for the two Houses to raise Arms to defend themselves in case an Army be raised against them, for else they have not power sufficient to restrain the power of Tyranny: There is no greater attempt of Tyranny, than to raise Arms against the Houses of Parliament; and there is no way to restrain this Tyranny, but by raising Arms in their own Defence: Less than this cannot be sufficient.

3. If a legal power be placed in them, not only to restrain but prevent the power of Tyranny, then they are the legal Judges, when there is danger of Tyranny, and they have Legal power to Command their Judgment to be obeyed for Preventions as well as Restraint of Tyranny.

4. Then it is lawful for them to provide for their own and the Kingdoms safety, and they have legal power to command the people to this purpose; not only when Arms are actually raised against them, but when they discern, and accordingly declare a Preparation made towards it. For if they let alone altogether the Exercise of their power till Arms are actually raised against them, they may in all likelihood find it too late, not only to prevent, but even to restrain the power of Tyranny.

5. Then they have legal power in such times of danger, to put into safe hands, such Forts, Ports, Magazines, Ships, and power of the Militia, as are intended, or likely to be intended, to introduce a Tyranny; for else they cannot have power sufficient to prevent or restrain the power of Tyranny.

6. Then they have legal power to levy Moneys, Arms, Horses, Ammunition upon the Subjects, in such cases of Danger, even without or against the Kings Consent; for it cannot be imagined that in such cases when the Kings Favourites and Followers have gotten Commands from him, to protect them in their Delinquencies and Attempts to introduce Tyranny, that ever he will consent to Levies of Moneys against those Favourites and Followers of his, or to the raising Arms against them, especially he being still in their hands, and among them, and not with his Parliament; and without such levies of Money, &c. it is not possible for the two Houses of Parliament to prevent or restrain sufficiently the power of Tyranny.

7. They that have made the Protestation to maintain and defend the power and privileges of Parliament, may see in all these Things (acknowledged by the King, and clearly Following from his acknowledgments) what is that power, and what are privileges of Parliament; which they have so solemnly in the presence of Almighty God, Vowed, Promised, and Protested to maintain, &c.

8. And finally, since the two Houses of Parliament have so often and fully declared their Intention in settling the Militia, securing Hull and the Magazine there, and Navy at Sea, with Ports and Forts, and afterward in raising Arms under the Command of the Earl of Essex; and last of all, levying Moneys by voluntary Contributions and Assessments; they have only used that legal power which is in them for the Punishment of Delinquents, and for the Prevention and Restraint of the power of Tyranny, of all which they are the Legal Judges, and all the Subjects of this Kingdom are bound by the Laws to obey them herein, and those doubly bound that have made the late Protestations.

That the Reader may the better discern how the Answers here applied do agree with the words of his Majesties Answer to the 19 Propositions, I have here Transcribed so much of it as concerns this particular.

P. 17. We call God to witness that as for our Subjects sake these Rights are vested in Us, for their sakes as well as for our own, we are resolved not to quit them, nor to subvert (tho' in a Parliament way) the ancient, equal, happy, well payed, and never enough commended constitution of the Government of this Kingdom.

There

A Political Catechism.

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There being three kinds of Government amongst men, *Absolute Monarchy*, *Aristocracy*, and *Democracy*, and all these having their particular conveniences and inconveniences.

Page 18. The experience and wisdom of your Ancestors hath so moulded this out of a mixture of these, as to give to this Kingdom (as far as humane Prudence can provide) the convenience of all three, without the inconveniences of any one, as long as the Balance hangs even between the three Estates, and they run joyntly on in their proper channel (beginning Verdure and Fertility in the meadows on both sides) and the over-flowing of either side, raise no Deluge or Inundation. The ill of *Absolute Monarchy* is *Tyranny*, the ill of *Aristocracy* is *Faction and Division*, the ill of *Democracy* are *Tumults, Violence, and Licentiousness*: The good of *Monarchy* is the *Uniting a Nation under one Head*, to resist *Invasion from abroad*, and *Insurrection at home*: The good of *Aristocracy* is the conjunction of Council in the *Ablest persons of a State* for the publick benefit: The good of *Democracy* is *Liberty*, and the *Courage and Industry* which *Liberty* begets.

In this Kingdom the Laws are joyntly made by a King, by a House of Peers, and by a House of Commons chosen by the People, all having free Votes, particular Privileges, the Government according to these Laws are trusted to the King: Power of Treasuries of War and Peace, of making Peers, of choosing Officers, and Counsellors for State, Judges for Law, Commanders for Forts and Castles: giving Commissions for raising men to make War abroad, or to prevent and provide against Invasions or Insurrections at home, benefits of Conspicuations, power of pardoning, and some more of the like kind are placed in the King. — Again, page 19. That the Prince may not make use of this high and perpetual power to the hurt of those for whose good he hath it, and make use of the name of publick necessity for the gain of his private Favourites, and Followers, to the detriment of his people; the House of Commons an excellent conservator of Liberty, (but never intended for any share in Government, or the choosing of them that should govern) is solely intrusted with the first Propositions concerning the Levies of Moneys (which is the sinews as well of Peace as War) and the Impeaching of those who for their own ends, though countenanced by any surreptitiously gotten command of the King, have violated that Law which is bound (when he knows) to protect, and to the protection of which they were bound to advise him, at least not to serve him to the contrary; and the Lords being trusted with a Judicatory Power, are an excellent screen and bank between the Prince and People, to assist each against any incroachments of the other, and by just judgments to preserve that Law which ought to be the Rule of every one of the three. — Page 20. Since therefore the Power legally placed in both Houses is more than sufficient to prevent and restrain the power of Tyranny—since this would be a total Subversion of the Fundamental Laws, and that excellent Constitution of this Kingdom, which hath made this Nation so many years both famous and Happy to a great degree of Envy; since to the power of punishing, which is already in your hands according to Law, if since the incroaching of one of these Estates upon the power of the other is unhappy in the effects both to them and all the rest. — Page 22. Our answer is, *Nolumus Leges Angliæ mutari*. But this we promise, that we will be as careful in preserving the Laws in what is supposed to concern wholly our Subjects, as in what most concerns our self; For indeed we profess to believe that the preservation of every Law concerns Us, those of obedience being not secure, when those of protection are violated.

Three kinds of Government amongst men.

The providence of our Ancestors hath so moulded the Government of this Kingdom, as by a mixture of all three kinds to give the conveniences of them all, &c.

How the Laws of this Kingdom are made.

Trust reposed in the King.

Concerning the extent of Princes liberty.

The trust reposed in the House of Commons.

The trust of the Lords.

The sufficiency of the power placed in Houses.

Incroachment of power.

Careful to preserve Laws.

Zzzzz

My



My Lord Lucas

HIS S P E E C H

In the House of PEERS, Feb. 22. 1671.

Upon the reading of the Subsidy BILL
the Second Time, in the Presence of
His M A J E S T Y,

To the Reader.

Reader,

I Need not tell you that this Speech was Burnt by the hand of the Common Hangman, it being done in a publick Place, to the great grief and Astonishment of all True Englishmen; to whom my Lord Lucas his Loyalty to his Prince, and his inviolable Love to his Countrey, was abundantly manifested.

But I dare affirm this Barbarous Usage did so little discourage him from doing his Duty, that he would have submitted himself to the same Fate, if his Death might have prevented these approaching Calamities and Evil Councils, which have since been so fatally destructive to this poor Kingdom. But God has taken him from an ungrateful Generation, and from the Evil to come, and left us to lament the loss of so worthy a Patriot, for now he is gone, who shall shew his Sacred Majesty those dreadful Precipices, wherean French Fraud and Popish Malice has placed him? From whence they daily expect not only to see him fall, but to dash himself in pieces.

Who shall tell the House of Peers by what Generous Steps their Ancestors ascended to those Immortal Titles of Honour and Renown?

And who shall tell the House of Commons, of their profuse and lavish squandering the Wealth and Liberties of this now weak and Perishing (but once Mighty and Invincible) People.

If none are left amongst us that dare imitate the Vertues of this Noble Lord, I hope there are some that will venture to read his Speech, and if they have any Relicks of Vertue, and of a Pious Love to their Country, I am confident it will give them a new Soul, and inflame them with a Generous Desire of doing that for their Countrey, which this Just and truly Honourable Lord intended; if an unhappy Death had not prevented him.

Farewell.

My

My Lords!

WHEN by the Providence of Almighty God, this Nation recalled his Majesty to the Exercise of the *Regal Power*, it was the hope of all good men, That we should not only be restored to his Majesties *Royal Presence* and *Divine Laws*, but we should be free from those heavy Burthens under which we had lain so long oppress'd: We did believe that from thenceforth every man should sit under his own Vine, enjoying the Fruits of *Peace and Plenty*; and *Africa* her self, long since for the sins of men fled up to Heaven, should have been invited by his Majesties most Gracious and Happy Reign, to return hither and dwell with us and converse amongst Mortals again.

But alas! we are all fallen very short of our expectations, and our Burthens are so far from being made lighter to us, that they are heavier than ever they were; and as our Burthens are increased, so our strength also is diminished, and we are less able to support them.

In the times of the late Usurping Powers, although great Taxes were exacted from us, we had then means to pay them, we could sell our Lands, our Corn and Cattel, and there was plenty of Money throughout the Nation; now there is nothing of this, *Bread is required of us, and no price allowed to make it with*. For that our Lands are thrown up, and Corn and Cattle are of little value, is notorious to all the World.

And it is as evident that there is a scarcity of Money; for all the Parliament Money called *Breeches* (a fit Stamp for the Coin of the *Rump*) is wholly vanished, the *Kings Proclamation* and the *Dutch* have swept it all away; and of his now Majesties Coin, there appears but very little, so that in effect we have none left for common use, but a little old lean Coin'd Money of the three late former Princes, and what Supply is preparing for it my Lords? I hear of none, unless it be of *Copper Farthings*, and this is the *Metal* that is to Vindicate, according to the Inscription on it, *The Dominion of the four Seas*.

And yet if amidst this scarcity, the vast Sums given were all employed for the *King and Kingdom*, it would not so much trouble us. But we cannot without infinite regret of Heart, see so great a part of it pounded up in the Purse of other private men, and see them flourish in Estates, who in the time of his Majesties most Happy Restauration, were worth very little or nothing, and now the same men purchase Lands, and keep their Coach and Six Horses, their Pages and their Lacqueys; while in the mean time those that have faithfully served the King, are exposed to penury and want, and scarce sufficient left to buy them Bread.

And is this my Lords, the Rewards of our Services? have we for this born the heat of the Day, been imprisoned, Sequestred, ventured our Lives and our Families, our Estates and our Fortunes? And must we after all this sacrifice so much of our poor Remainder to the Will of a few particular Men, and the maintenance of their Vanities?

But suppose all the Money given were employed for the use of his Majesty, and his Majesty were not couzened (as without doubt he is) is there no bound to, or moderation in giving? Will you say that if we shall not plentifully supply his Majesty, he will not be able to defend us, or to maintain the *Triple League*? And we shall thereby run the hazard of being Conquered.

'Tis true, my Lords, that this may be a reason for giving something, but 'tis so far from being an argument for giving so much, that it may be clearly made out to your Lordships, that it is the *direct and ready way to be Conquered by a Foreigner*. And it may be the Policy of the French King, by those often Alarms of Armies and Fleets, to induce us to consume our Treasure in vain Preparations against him: And after he has by this means made us Poor and Weak enough, he may then come upon us and Destroy us.

It is not, my Lords, the giving of a great deal, but the well managing of the Money given that must keep us safe from our Enemies; Your Lordships may be pleased to call to mind the Story of *Samson*, while he preserved his Hair wherein his Strength lay, was still *Victor over his Enemies*; but when by the enticement of his *Danites*, his Hair was cut off, the *Philistines* came upon him, and overcame him. And so, my Lords; if we shall preserve and husband well our Treasure, wherein our Strength and the Sinews of War lie, and apply it to the right uses, we shall still be superiour to all our Enemies; but if we shall vainly and imprudently mispend it, we shall become an easie Prey to them.

Besides, my Lords, what is this but *ne moriamur morti*, and for fear of being Conquered by a Foreigner, put our selves in a Condition almost as bad; pardon me, my

My Lord Lucas's Speech.

my Lords, if I say in some respect a great deal worse; for when we are under the power of the Victor, we know we can fall no lower; and the certainties of our Miseries are some kind of diminution of them: But in this wild way we have no certainty at all, for if you give thus much to day, you may give as much more to morrow, and never leave giving till we have given all that ever we have away, and the Anxiety of mind which arises from this doubtful Estate, is an high addition to our Afflictions.

All that I beg, my Lords, is that we may be able to make some Estimate of our selves; would his Majesty be pleased to have a quarter of our Estates, for my part he shall have it; would his Majesty be pleased to have half, for my part upon a good occasion he shall have it: But I beseech your Lordships then that we may have some assurance of the quiet enjoyment of the Remainder, and know what we have to trust to.

My Lords, the Commons have here sent us up a Bill for the giving his Majesty the twentieth part of our Estates at the full extended Value; and I hear there are other Bills for Money also preparing, which together accordingly to the best computation, will amount to little less than three Millions of Money; a prodigious Sum, and such that if your Lordships shall not afford relief, we must of necessity sink under the weight of so heavy a pressure.

My Lords, the Scriptures tells us, that God Almighty sets bounds unto the Ocean, and says unto it, *Hither shall thy proud Waves come and no further.* And I hope to your Lordships in imitation of the Divinity will set some bounds, some limits to this over-liberal humour of the Commons, and say to them, *Hither shall your Profuseness come and no further.*

My Lords, either your Lordships can deny or moderate a Bill for Money coming from the Commons, or if you cannot, all your great Estates are wholly at their disposal, and your Lordships have nothing that you can properly call your own, and then let us pass this Bill without further Examination; but if you can deny or moderate (as without question you can) your Lordships never had, nor possibly will have such a fair occasion to shew it.

My Lords, upon the whole matter, I must humbly propose to your Lordships, that your Lordships will be pleased to reduce the 12d. in the pound to 8d. And truly, my Lords, I have some reason to hope that if your Lordships will duly reflect upon it, ye will find it to do accordingly; for in the first place it will be so far from being a service to his Majesty, that your Lordships will do his Majesty in it the highest Service in the World; for although ye shall thereby take from his Majesty a part of the Sum, you will give him a great deal more in the Love and Hearts of his Subjects; and there his Majesty must Reign if he will be Great and Glorious.

And next your Lordships acquire to your selves eternal Honour, ye shall thereby indear your selves to the whole Nation, who for the future will look upon you as the Ancients did upon their Tutelar Gods; nor shall the House of Commons, but the House of Peers, be hereafter precious in their sight.

My Lords, give me leave to mind your Lordships, that Noble Act is the steps whereby the great men of the World ascend the Throne of Glory. And can there be a nobler Act to Release a distressed Kingdom which lies languishing under so many hard Oppressions, and about to be so much more oppressed?

I do detain your Lordships too long, and therefore shall say no more, but must beg your Lordships Pardon, and submit all to your better Judgments.

My Reader, I shall give you a short, though not a full account of the Mischief happened since this SPEECH.

THE strict Alliance with France.

2. Shutting up the Exchequer.

3. Breach of the Triple League, and the present War with the Confederate States of the Low Countries.

4. Fall of Lands, and decay of Trade.

5. Sending so great Forces to France under French and Popish Commanders, to be debauched in their Religion, and thereby to introduce an Arbitrary Power at home.

6. Our Losses at Sea by Privateers, amounting to at least two Millions.

7. Corrupting of Members of Parliament.

8. Drunken and debauch'd Elections.

9. Oppression in Quartering Souldiers.

10. Pressing of Englishmen to serve in the Wars out of the Nation.

11. Loss of many thousands of our Seamen in this Picture War.
12. Making Papists, Atheists and French Pensioners, Ministers of State.
13. Great Consumption of the Treasure of the Nation by the Privy Purse.
14. Sending ignorant and ill-affected Embassadors abroad.
15. Debauching the Nation by Masquerades.
16. Favour shewn to Papists at Court.
17. Concerning Galleries to those that refus'd to abjure Transubstantiation.
18. Dissentions at Sea between Protestant and Popish Officers.
19. Incouragement to Popery in Ireland, notwithstanding the late Addresses of Parliament.
20. Defrauding our Seamen of their Pay.
21. Great and grievous Taxes notwithstanding our grievous Poverty.
22. Suspending of Penal Laws against the Popish Priests and Jesuits.
23. Loss of the Dominion of the Seas by the Treachery of the English.
24. His Highness refusing the Tests for the prevention of Popery, and Marrying a Papist (Niece to a Cardinal) to the great strengthening of the Popish and French Interest at home and abroad.
25. Making a French Lieutenant General to the great Dishonour of the English Nobility.
26. Making French Carwell an English Dutchesse, to the great Disgrace of the Ladies and Gentlewomen of this Nation.

This was Printed in hast, but I intend shortly to make it appear, that the Monneys given to his Majesty by the Parliament, since his Blessed Restauration, amounts to more than this poor Kingdom is now worth.

Aaaaaa

A Letter

A Letter to Monsieur Van B. de M. at Amsterdam, Written
 Anno 1676.

Dear Sir,

THe great Conclusion *Solomon* made from all those wise Reflections of his, upon things under the Sun is, fear God and keep his Commandments, for this is the whole of Man, his whole Business and his whole Excellency, and therefore you and I shall always agree, that our first and great Duty is the Love and Service of our great Lord: and the second is like unto it, the Love and Service of our Country, but as the circumstances of our times are, these things can hardly be separated or distinguished, but are included one in the other, so that he which serves his Country must needs at the same time serve God.

Now the present Mischiefs that are upon our Country, do not (as to their second Causes) arise merely out of the common spring of boundless and restless Ambition, but an implacable malice to the Protestant Interest, hath had a principal hand in the Effects *Europe* is now groaning under, and indeed the danger is common to us both, and doth not less threaten *England* than *Holland*, though more remotely. For the *French King*, in growing to so great a Naval strength, may be reasonably apprehended to have his Eye upon *England*, when he shall have subjugated the *Spanish Netherlands*, which it may be he meant when he said upon some occasion, that hereafter he would bring his men to a place where there were neither Gates nor Bars; Success makes Men bold as well against God, as their Enemies, and the Spirits of the *Orators* and *Wits* Men are not only always so guarded, but that in their *Orations* their future Intentions drop out of their Mouths, and Wicked Men do not only express their Natures in their wicked sayings, by which men may take warning of them, but they live after their Deaths in those sayings.

But I will at this time discourse to you a little more particularly.

There are but two very strong Kingdoms in *Europe*, *France* and *England*, and the Reason of their strength is, that they are great in Territories, and of one piece and compacted, in respect of which *Europe* may be considered in three Parts, *France*, *England*, and the Princes and States confederated against *France*, which being a strength made up of many pieces and different Interests, will always be found too weak to be opposed against the Uniform Force of one great Kingdom, for which reason the League will come naturally to dissolve it self, and fall in pieces, unless *England* cast the Ballance, whose Interest it is so to do, and that roundly; for Neutrality in this Case is both foolish and dangerous, as being against all Reason of State, and in such case, he that obligeth none, disobligeth all, and the Conqueror will be sure to pursue his Revenge against the Rival Prince.

I know there are three Characters in History ascribed to the *French*, the first was given to the *Gauls* their Predecessors by *Julius Caesar*, that in the beginning of a Fight they were more then Men and afterwards less than Women, and however it be true the present *French* inherit the same *Genius*, yet by Discipline which hath a wonderful force in all things, we see they have brought even their Infantry for the most part to Fight well, so that by their Actions they have justly acquired the Reputation of a very Warlike Nation.

The second Character is that they are a People, Light, Inconstant and Faithless. 3. That they are of an aspiring *Genius*, which is so much the more dangerous to *Europe*, as the Object they have fixt upon is great, and that is no less than to erect an Universal Monarchy in *Europe*, a thing that can never be brought to pass; yet for all the Observation we make of other Men, we daily commit the same Errors: To this we may add, that the Course of the present *French King* is full of Rapid Violence and high Ambition, and Ambition will make men wade through a World of Blood in pursuit of vain ends; yet this I must say, that if two or three such Kings should immediately succeed one another in *France*, they would in Reason swallow *Europe*, if at the same time one weak and insufficient Prince should succeed another in *England*; but the Balance of the World is kept up, not only by strong Nations joyning with the weaker against stronger than they, but by an interchangeable distribution in succession of strong and weak Princes in the same Kingdom, through the promiscuous dispensation of Divine Providence, which is irresistible, for he must leave all his Work to the Man that shall be after him, and who knows whether he shall be a Wise Man or a Fool, what a Wise Man gets a Fool loses.

Now on the other side, our Country-men, who are of a middle *Genius* between the *French* and your Country-men, are as warlike as any, but grave, plain, and honest. I know that our Country-men will be always ready to say, that *England* is now as strong as ever it was, and that we have always been an overmatch to *France*, we have made two Conquests of *France*, one in the time of *Edward* the 3d. and another in the time of *H.* the 5th, but I answer, the strength of a Kingdom is either

ther Proper or Comparative, Proper, respecting their selves, or Comparative, respecting their Neighbours. Now if it should be granted, (which is not true) that *England* is now as strong as in former times, yet if *France* (which is true) be three times as strong as they were formerly, then *England* must needs be three times weaker Comparatively; *England* being so far from holding proportion to *France* in its growth, that it is much weaker now than it was 20 years ago. And this among other things may shew you the weakness of our Councils, in sitting still while the *French* make themselves Masters of the *Spanish Netherlands*, and then as to its proper strength we must come to distinguish, for he that does not distinguish well can never judge well; I say then the People are strong but the Government is weak; from whence this Consequence may be drawn, that a People may be weak under one form of Administration, and strong under another, to prove which, there will need no other Instance than the Regiment of these three last Kings, and that of the Parliament interposed in the middle of them, but this will more clearly appear to you when we come to discourse of the Government it self.

There is no Kingdom in Story that I remember, in and about which so much Blood has been shed in *England*, except *Sicily*, and the manner of the *English* hath always been to Fight in small Armies, without regarding the number of their Enemies, who were sometimes (as in the first Conquest of *France* abovenamed) above six to one; and yet the *English* have not oftner been brought to contend against Foreign Force, than they have carried away the Victory, if not in every Battle, yet in the Issue of the War. Therefore when *Machiavel* labours to overthrow the Common Doctrine in the Politicks, that Money is the Sinews of War, which he says is not true; I think it is true as to *England*, as well as in the *Roman* Commonwealth, but in *Holland* where you have a small Territory, and your Foundation is Trade, Money, and Industry: which produceth no *Martial Genius* in the Natives, nor permits Leisure, and where your Armies consist of Mercenaries, which will ever be found much weaker than the Native *Militia*, there Money may be the Sinews of War.

The Union of *England* and *Scotland*, is a mighty Accession of strength to *England*, for besides that *Scotland* was always a dangerous Back-door to *England*, that mischief is not only removed, but such a Member added; as by reason of Vicinity naturally compounds one entire Body of a great Kingdom; and this strength would better have appeared if it had at any time since the Union, fallen under a Prince of a *Martial Genius*, as in time to come it will fall under a Vigorous Administration.

But to make what I said to you above more clear, that the Government of *England* is weak, I will a little discourse of the Nature of it.

England then is a Government Compounded and mixt of the three Principal kinds of Government, A King, who is a Sovereign, qualified and limited Prince and the three Estates, who are the Lords Spiritual and Temporal compounding the Aristocratical part of the Government; and the Commons in Parliament with an Absolute delegated Power, making the Democratical part; the Legislative Authority is in the King, and the three Estates, the Power of levying Money in the Commons; and the Executive Power in the King, but to be administered by Ministers sworn and qualified, which is the Reason of those two grand Maxims in the Law of *England*; first, that the King of *England* is always a Minor; and secondly, that he can do no wrong.

Now the Foundation this Government was first built and stood upon, was the Ballance of Lands, and *England* being a Kingdom of Territory not of Trade; it always was, and ever will be true, that the Ballance of Lands is the Ballance of Government; and this Maxim of the Ballance is to the Politicks, what the Compass is to Navigators, the Circulation of Blood to Physicians, Guns to an Army, and Printing to Learning.

The Proportion this Ballance held in the Government, was formerly in the King, Church, and Nobility above two Thirds; and in the whole People not one Third: So that if we divide the times of this Government into two General parts (as it naturally divides it self) from the *Norman Conquest* to the time of *Henry the 7th.* and from *Henry the 7th.* to the present time; then I say, in the first part of it, the Strength of the Government lay in the middle, or Aristocratical part as it ought to do, for a King must be supported either by a Nobility or an Army, and by this means the two extreames which are the King and People (of which extreames a Government can never be compounded to live long) were secured by the middle; for the Nobility not only supported the Throne, but shadowed the People from the Tyranny of the Princes.

And to give you a clear evidence of the truth of this, both that the strength of the Government was in the Aristocratical part, and that they kept the Ballance between the King and the People, I need only observe that all the Civil Wars that we ever had in *England* in those times, were ever made against the Princes by the Nobility,

for their encroachments upon the Peoples, and they always prevailed against them.

But *Henry* the 7th. who was a dark and suspicious Prince, and an entertainer of Fortune by the day rather than of any great fore-sight (as my Lord *Bacon* observes of him) observing upon his coming to the Crown, how great an over-Balance the Nobility had been to the Prince, made way by Laws, and other means for the Nobility to make alienations of their Lands, and so in seeking to cure one mischief he procured a far greater, which though it did not shew it self presently, yet in short time after it began to shake the Foundations of the Throne.

And from this time the Lands began to come into the hands of the People, and the times that followed served well to increase this beginning; for *Henry* the 8th. dissolving Abbies and Monasteries, all those Lands which were very great, came by degrees into the hands of the People, so that the greatest part of the Lands of the Antient Nobility, and great part of the Lands of the Church were in the hands of the People, who now held above two thirds of the whole Lands of *England*.

And therefore this Consequence will be clear, that the strength of the Government is now in the Democratical part, and to confirm this to you by Example. There hath been one Civil War in *England*, since *Henry* the Seventh, who made that War? the Barons? No, the People made it; then it is clear not only that the People are the strongest part, but that they are able to make War with the King, Nobility, and Church; also if there should be another Civil War in *England*, it would not only be by the People, but whosoever be the beginners of it, the People will prevail, as far as humane Reason can foresee.

But now lest you should think the compliance of this Parliament with the King, a contradiction to what hath been said, I will discourse it to you before we go farther touching them.

This Parliament was chosen in the year 1661, and came in with a change of Government; now in all changes of Government, there is a violent concussion of the whole Body, and the People always pass from one extrem to another, without being able to stay in the middle; *England* therefore was then in a sick distempered condition, now it hath recovered its just Temper, and is restored to Health, (as strong Bodies will work out the Poyson they take by degrees.)

Now this Parliament represented the humours and distempers of the times wherein they were chosen, and consequently their Actions were violent, and they did many things afterward to be repented of, and no doubt had they done what they have done, to a designing and Parsimonious Prince, he might have taken the advantage of their Hearts to have undone *England*; for what with that great Revenue, and all those most mighty Aids they have given him, he might have made so great a Bank, and annexed so great a Revenue of Lands to the Crown, that he might have maintained an Army, over-balanced the Nobility, and have Reigned without Parliaments; and so have brought *England* into the same condition with *France*; but these times are over, and not like to return; I am without all doubt therefore, that the profuseness, and inadvertency of the King hath saved *England* from falling into destruction under this Parliament.

And as this Parliament represented the sickly times, in which they were chosen, when the People of *England* were in a kind of Delirium or Dotage; so a New Parliament would represent a People restored to their Wits, cured of the Evil, and steadily pursuing the great Interest of the Common-wealth.

Wherefore our Court has got a new Maxim, never heard of in the World before, and which is their Grand Arcanum of State; and that is, that the King and his Parliament must never part; for if they do, the Government is dissolved: A Maxim they will keep to, and was first beaten into their Heads by *Clarendon* and *Monk*, but the true reason of that Maxim, is, because they never dare call a Parliament to represent the present state of *England*, having enough to do with the present, who were it not for the daily fomentations of Court Engredients, would even themselves revert back to the *English* Interest.

In former times we had two grand Maxims in our Government, one was that we should always keep the Balance of *Christendom* equal and steady, *England* only having the natural advantage to do that, and this grew up with us from the *Norman* Conquest, for above six hundred years since, the other was, that we should always make our selves the Head and Protection of the Protestant Interest, a Maxim that we took from the Reformation, and which we shew'd the World in Queen *Elizabeth's* time, how we have kept to these two Maxims our entering into a League, to subvert and destroy the Protestant Religion, and to break the Bonds, and remove the Landmarks of States and Kingdoms will sufficiently declare to you.

And now we have a Maxim, which I am sure cannot last longer than the King lives; for the death of the King is the death of the Parliament, one thing you may observe by the way, that vigorous times bring forth strong Maxims, but the principal

cial use we are to make is this, if according to our Maxim, That the King and this Parliament must never part, and they must die together; then this Government seems to be calculated only for the Kings Life, as the Government of the Protector *Cromwel* was for his; and must a little time after suffer a Dissolution.

And indeed, in such a mixt Government as ours is, where one of the extremes comes so far to over-balance the other; I cannot see but the Government must die, as it is in natural Bodies, when one humor is over all the rest in too great disproportion.

In every sound and healthful Government, there is a steadiness of proceeding by good means to good ends, which is called Conduct, but in a sickly state, as many Emergencies arise, so new Medicines and Expedients must be applied, and such a Government may be called a Government of Expedients, and such a one is ours, and the great Art and Cunning in this Session of Parliament, to bring it to such an Issue as is expected, is but an Expedient, and Expedients never hold, they only serve a turn; Cunning and Tricks in States-men, argue them to be Mountebanks in the Politicks, and weak Governments must always have a care of evil Accidents and Occasions, when there are Causes of their dissolution.

The Ravishment of *Lucretia* was not the cause of the Introducing a Commonwealth in *Rome*, it was only the occasion; if any notable occasion fall out in *England*, as the Death of the King, Insurrection, or Arming of Papists, Invasion by the *French*, or such like that shall give the People opportunity to Arm, the Government is gone.

Now if you should ask what are the causes of this weakness of the Government of *England*, I answer principally two, 1. The change of the Ballance as I have shewed you before. 2. A Succession of Three weak Princes together, where two sufficient Princes succeed together, they do great things; but where Two or Three weak Princes succeed one another, the Government can hardly stand, and indeed if a weak Prince immediately succeed a wife, he may do well enough, for the Virtue of the wife Princes Government, runs through the Veins of that of the Foolish, and so it comes to pass, that it is a great while before the defects of his Government come to discover themselves; and I say that we never before (for above Six hundred years) had a succession of Three, either sufficient or weak Princes together, and therefore I make no doubt to affirm, that if the Government of the Parliament had not been interposed in the middle (as I said before) the Government must have sunk ere now; for save what they did, we have not taken one true step, nor struck one true stroke since Queen *Elizabeth*.

It is a great truth no doubt, that foolish Princes ever had, and ever will have foolish Councillors, for *Machiavil* concluded well, when he said, That the Wisdom of the Prince, never takes beginning from the Wisdom of the Council, but the Wisdom of the Council always from Wisdom of the Prince.

But if you should ask me now whether the K. of *Eng.* will effectually assist you, since the Parliament hath not only addressed him so to do, but has promised him sufficient supplies for the doing thereof. I answer, no, the reasons whereof are not to be rendred by way of Ratiocination, there being little of reason in any thing we either do or say.

1. The K. will not, the Will is the Mistress of the Love, and a man is either good or bad, as his Will is, there is an antipathy between the Genius of our Court, and the Genius of *Holland*. 2. We are wholly addicted to the *French* humour and interest, we cannot forbear expressing our joys upon any Victory of theirs: 3. The *D. of York* who does, and every day will weigh more and more, and this is the way of all those good intentions the K. might otherwise have, is a Papist, and so far from affecting you, that he hath little esteem for his own Country-men, in his nature affecting none but *French* and *Irish*, with whom he seems to have a Sympathy of Genius, and how strangely strong Wills, and misplaced affections may transport Men of weak judgments is easie for you to apprehend. 4. Our Ministers of State are against you.

Now to end this long Letter, what conclusion shall we draw from all these premises. I doubt not but your prudence will instruct you to make a far better than any I can offer, however I will say something, if it be but to occasion you to think, the Parliament and People of *England* have a mighty Affection to your state; these are shapes of our Court and our People, in the best manner I can present them to you, and if I mistake not, your State can never in time to come be better secured against shaking, than by the friendship of *England*. The Parliament would send over an Army sufficient to engage the *French*, and pay them too, as I have ground to think.

Wherefore in my poor opinion, the natural result might be, that the States should by an effectual Declaration remonstrate to the World, the growing greatness of *France*, and all the mischievous consequences it draws after it, and to call upon *England* as the Head of all Protestant States for their assistance, to which the late address, and the measures the Court shall take thereupon will naturally tend; only the time of such Declaration cannot well be determined; and for this the States have a President yet fresh in Memory, when they publicly offered to the State their differences with the Court of *England*, which gave the Parliament occasion to Recognize the matter, and what an admirable and speedy effect that produced, cannot yet be forgotten.

A SPEECH lately made by a Noble Peer of the REALM.

My Lords,

IN this great Debate concerning the King's Speech *the sad State and Conditions we are in, and the Remedies thereof*, I have Offered You my Opinion, and many Lords have spoken admirable well to it, with great Freedom and Plainness, as the Case requires.

Give me leave to offer you some few words, in answer to two or three of my Lords of the Earls Bench, that have mainrained the contrary Opinion.

My Lord, near me, hath told your Lordships, that the President of *Hen. 4.* that I offered to you (who was a Wife and Magnanimous Prince; and yet upon the Address of his Parliament, *put away a great part of his Family, and Councils at one time*, is no proper instance, because he was an Urrper, had an ill Title, and was bound to please the People,

My Lords, I meddle not with his Title, I am sure our King had a very undoubted one; But this my Lord must allow, that that wife Prince having *need of the People*, knew no better way to please them, and to create a good Intelligence between them and him, than to put away those from Court and Council that were unacceptable to them.

If our King hath the same necessity to please the People, (tho' for other Reasons than want of a Title,) yet I am sure the President holds, that a Wife Prince, when he hath need of his People, will rather *part with his Family and Counsellors, than displease them*.

My Lords, This Noble Lord near me hath found fault with that President, that he supposes I offered your Lordships concerning the chargeable Ladies at Court; But I remember no such thing I said; but if I must speak of them, I shall say as the Prophet did to King *Saul*, *What means the bleating of this kind of Cattel?* And I hope the King will make me the same answer, *That he reserves them for Sacrifice, and means to deliver them up to please his People*.

For there must be, (in plain English) my Lords, a change; We must neither have *Popish Wife*, nor *Popish Favourite*; nor *Popish Mistress*, nor *Popish Councillor at Court*, or any new Convert. What I spoke was about another Lady that belongs not to the Court, but like *Sempronia in Catalines Conspiracy*, does more Mischief than *Cerberus*.

In this time of Distress I could humbly advise our Prince would take the same course that the Duke of *Savoy* did, to suffer neither Strangers nor Embassadors to stay above some few weeks in his Country; for all the Strangers and Embassadors here, have served the *Plot and Design* against us; I am sure they have no eye to be for us.

But my Lords, what I rose up to speak, was more especially to my Lord of the *Earls Bench*, that spoke last, and sits behind me: Who as he hath the greatest Influence in our present Councils, so he hath let fall to you the very root of the matter, and the hinges upon which all turns; he tells you that the House of Commons have lately made offers to the King, and he wonders we do not expect the King's answer to them, before we enter into so hot and high Debates.

He tells you, if the King be assured of Supplies, we cannot doubt of his Compliance in this and all we can ask; for otherwise the King should fall into that that is the worst condition of a Prince, to have his People have no confidence in him. My Lords, This is that I know they put the King upon, and this is that we must be ruled by, if we may not with *Freedom and Plainness* open our Case.

My Lords, 'Tis a very hard thing to say *that we cannot trust the King*; and that we have already been deceived so often, that we see plainly the apprehensions of *Discontent* in the People is no Argument at Court. And though our Prince be in himself an Excellent Person, that the People have the greatest inclinations imaginable to Love; yet we must say he is such a one, *as no Story affords us a Parallel of*: How plain and how many are the proofs of the *Design to murder him*? How little is he apprehensive of it.

The Transactions between him and his Brother are Admirable, and Incomprehensible; His Brothers Designs being early known, to aim at the Crown before his Majesties *Restoration* to this Kingdom.

This March with a *Portugal Lady*, not like to have Children, *Contrived by the Dukes Father-in-Law*, and no sooner effected, but the Duke and his Party make *Proclamation* to the World, that we are like to have no Children, that he must be the certain Heir.

He takes his Seat in *Parliament* as Prince of Wales, his Guards about him; the Princes Lodgings at *Whitehall*, his Guards upon the same Floor, without any interposition between him and the King, so that the King was in his hands and in his Power every night; all Offices and Preferments being bestowed by him, *Not a Bishop made without him*.

This

A Speech made by a Noble Peer of the Realm.

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This Prince changes his Religion to make himself a Party, and such a Party that his Brother must be sure to Dye and be made away, to make room for him; nothing could preserve him, but that which I hope he will never do, give greater earnest to that wicked Party than his Brother could; and after all, this Plot breaks out, plainly headed by the Duke, his Interest and his Design.

How the King hath behaved himself even since the breaking out of it the World knows; we have expected every hour that the Court should joyn with the Duke against us. And it is evident more hath been done to make the Plot a Presbyterian Plot, than to discover it.

The *Prorogations*, the *Dissolutions*, the cutting short of *Parliaments*, not suffering them to have time or opportunity to look into any thing, have shew'd what Reason we have to have Confidence in this Court. We are now come to a Parliament again, by what Fate or what Council for my part I cannot guess, neither do I understand the *Riddle* of it.

The Duke is quitted and sent away; the House of Commons have brought up a Bill to disable him of the Crown; and I think they are so far extremely in the right; but your Lordships are wiser than I, and have rejected it; yet you have thought fit, and the King himself hath made the Proposition, to make such *Expedients* as shall render him but a *Nominal Prince*.

In the mean while where's this Duke, that the King and both Houses have declared unanimously thus dangerous? Why, he is in Scotland raising of Forces upon the *Terra firma*, that can enter dry-foot upon us, without hazard of Winds or Seas, the very place he should be in to raise a Party there, to be ready when from hence he shall have notice: So that this being the case, where is the Trust? We all think the business is so Ripe, that they have the *Garrisons*, the *Arms*, the *Ammunition*, the *Seas* and *Soldiery* all in their hands; they want but one good Sum of Money to set up and Crown the Work, and then they shall have no more need of the People; and I believe whether they are pleased or no will be no great trouble to them.

My Lords, I hear of a *Bargain* in the House of Commons, and an *Address* made to the King, but this I know, and must boldly say it, and plainly, That the Nation is *Betray'd* if upon any Terms we part with our Money till we are sure the King is ours; have what Laws you will, and what Conditions you will, they will be of no use but waste Paper before *East*, if the Court has Money to set up for Popery and Arbitrary Designs in the mean while.

On the other hand give me leave to tell you, my Lords, the King hath no reason to distrust his People; no man can go home and say, that if the King comply with his People they will do nothing for him, but tear all up from him; we want a *Government*, and we want a *Prince* that we may trust, even with the spending of half our *Annual Revenues* for some time, for the preservation of these Nations.

The growing greatness of the *French* cannot be stop't with a little Expende, nor without a real and hearty Union of the King and his People. It was never known in *England* that our Princes wanted Supplies either for their Foreign Designs, or for their Pleasures; nothing ever shut the *English Purses* but the fears of having their Money used against them.

The hour that the King shall satisfy the People, that what we give is not to make us *Slaves* and *Papists*, he may have what he will; and this your Lordships know and all mankind that know us: Therefore let me plainly tell your Lordships, the Arguments that the present Ministers use, is to *destroy* the King and not *preserve* him: For if the King will first see what we will do for him, it is impossible if we are in our *Senses* we should do any thing.

But if he will first shew that he is intirely ours, that he *Weds the Interest and Religion of the Nation*, 'tis impossible he should want any thing that we can give.

But I see how the Argument will be us'd: Sir, they will do nothing for you, what should you do with these men? But on the other hand I am bold to say,

Sir, You may have any thing of this Parliament, *put away those Men, change your principles, change your Court, and be your self*; for the King himself may have any thing of us:

My Lords, if I have been too plain, I beg your Pardon; I thought it was the Duty of an *English Nobleman* at this time to speak plain or never.

I am sure I mean well: and if any man can answer and oppose Reason to what I say, I beg they would do it; for I do not desire or propose any Question.

I beg this *Debate* may last for some Days, and that we may go to the bottom of the matter, and see if these things are so or no, and what Cure there is of the Evil we are in; and then the Result of your Debates may produce some proper Question.

However, we know who hears, and I am glad of this, That your Lordships have dealt so honourably and so clearly in the King's presence, and in the King's hearing, that he cannot say he wants a right State of things; he hath it before him, and may take Council as he thinks fit.

At

AT THE
Court at Whitehall,

January the Seventeenth, 1678.

PRESENT

The Kings Most Excellent MAJESTY.

His Highness Prince Rupert.

Lord Chancellor.

Lord Treasurer.

Lord Privy Seal.

Duke of Monmouth.

Lord Chamberlain.

Earl of Oxford.

Earl of Salisbury.

Earl of Bridgewater.

Earl of Peterborough.

Earl of Sunderland.

Earl of Clarendon.

Earl of Bath.

Earl of Craven.

Earl of Ailesbury.

Earl of Carbery.

Lord Viscount Fauconberg.

Lord Bishop of London.

Lord Bishop of Durham.

Lord Berkeley.

Lord Maynard.

Mr. Secretary Coventry.

Mr. Secretary Williamson.

Mr. Chancellor of the Exchequer.

Master of the Ordnance.

Mr. Speaker.

Here having been lately presented by the Justices of the Peace, Six Queries to his Majesty in Council, viz.

I. **W**Hether Foreigners (Popish Recusants) that are, and have long been here settled House-keepers, and are Tradesmen, viz. Chirurgeons, Taylors, Perriwig-makers, or ordinary Shop-keepers, following Employments for their own advantage, but not otherwise Merchants, but are certified to be Merchant-Strangers, shall be excused from taking the Oaths, or finding Sureties, or either of them?

II. Whether such Foreigners being Certified by Ambassadors, or other Foreign Ministers, to be their Servants at this time, shall be excused?

III. Whether Foreigners (Popish Recusants) settled here House-keepers, but neither are Tradesmen, Travellers, or Foreign Ministers Servants, shall be excused?

IV. Whether Native Subjects of Our Sovereign Lord, that are Menial Servants of Foreign Ministers shall be excused?

V. Whether Married Women, being Popish Recusants, but their Husbands Protestants, shall be excused?

VI. Whether Popish Recusants that have taken the Oaths, found Sureties, have appeared, and are convict, shall find new Sureties, or be continued over?

And His Majesty having from the Judges to whom the same were Referred, received Answer in Writing in the words following,

May it please Your Majesty,

We have met, and Considered of the Questions proposed to Us, and do hereby humbly return our Opinions.

To the First We are of Opinion,

I. **T**HAT Foreigners (being Popish Recusants) and Exercising ordinary Trades, (but not Merchants) are not excused from taking the Oaths, or finding Securities.

II. To the Second, That Foreigners, though Certified by Ambassadors to be their Servants, except they are their Menial Servants, are not excused.

III. To

An Order of Council.

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III. To the Third, That Foreigners, though settled House-keepers, being no Travellers, or Foreign Ministers Servants, are not excused.

IV. To the Fourth, That the Kings Native Subjects are not excused from taking the Oaths being Menial Servants to Foreign Ministers.

V. To the Fifth, We find no Law that excuses a *Feme Covert*, being a Papist from taking the Oaths, though her Husband be a Protestant.

VI. To the Sixth, That a Popish Recusant having taken the Oaths, is not bound to find new Sureties, unless upon a new tender of the Oaths, he shall refuse to take them.

All which with great Humility we submit to Your Majesties Judgment.

*Will. Soroggs.
Fra. North.
W. Mountague.
W. Wyld.*

*Tim. Littleton.
Hugh Wyndham.
Robert Atkins.
V. Bertie.*

*Fra. Bramston.
Tho. Jones,
W. Dolben.*

HIS Majesty is Graciously pleased to Approve the said Report and Opinion of his Judges, and did this Day Order, as it is here hereby Ordered accordingly, That the Justices of the Peace in their respective Precincts, do, in Execution of their Duties touching the Particulars there mentioned, take notice of the same, and conform themselves therunto. And this Order is to be sent to the Custos Rotulorum of each County, that he may give Information of the same.

Robert Southwell.

Cccccc

REASONS

REASONS FOR THE INDICTMENT OF THE Duke of YORK,

Presented to the Grand Jury of *Middlesex*; Saturday
June 26. 1680. By the Persons hereunder Named.

- I. **B**ecause the 2^{yth} Car. 2^d. when an Act was made to throw Popish Recusants out of all Offices and Places of Trust, the Duke of York did lay down several Great Offices and Places (as Lord High Admiral of *England*, Generalissimo of all his Majesties Forces, both by Land and Sea; Governour of the Cinque Ports; and divers others) thereby to avoid the Punishment of that Law against Papists.
- II. 30th Car. 2^d. When an Act was made to disable Papists from sitting in either House of Parliament; There was a *Proviso* inserted in that Act, That it should not extend to the Duke of York. On purpose to save his Right of sitting in the Lords House; though he refuses to take those Oaths which Protestant Peers ought to do.
- III. That his Majesty in his Speech March 6, the 1st year of his Reign, doth give for a Reason to the Parliament; why he sent his Brother out of *England*; because he would leave no man room to say, that he had not removed all cause which might Influence him to Popish Councils.
- IV. That there have been diverse Letters read in both Houses of Parliament, and at the secret Committees of both Houses from several Cardinals and others at *Rome*; and also from other Popish Bishops and Agents of the Pope, in other Foreign Parts, which do apparently shew the great Correspondencies between the D. of Y. and the Pope. And how the Pope could not choose but weep for joy at the reading some of the Dukes Letters, and what great satisfaction it was to the Pope, to hear the Duke was advanced to the Catholick Religion. That the Pope has granted Breves to the D. sent him *Beads*; ample *Indulgences*, with much more to this purpose.
- V. That the whole House of Commons hath declared him to be a *Papist* in their Votes, Sunday April 6th. 1679. Resolved, *Nemine Contradicente*, That the Duke of York being a *Papist*, and the hopes of his coming such to the Crown, has given the greatest Countenance and Incouragement to the present Conspiracy and Designs of the Papists against the King and Protestant Religion. — What this Conspiracy and Design is, will appear by a Declaration made to both Houses of Parliament, March 25. 79. Resolved, *Nemine Contradicente*, by the Lords Spiritual and Temporal, and Commons in Parliament Assembled; That they do Declare, That they are fully satisfied, by the proofs they have heard, there now is, and for divers Years last past, hath been a Horrid and Treasonable Plot and Conspiracy contrived and carried on by those of the Popish Religion, for the murdering of his Majesties Sacred Person, and for subverting the Protestant Religion, and the ancient well Established Government of this Realm.
- VI. That besides all this Proof, and much more to this Purpose, it is most notorious and evident, he hath for many years absented himself from Protestant Churches during Religious Worship.

These

These are the Reasons why we believe the Duke of York to be a Papist.

Huntington.	Sir Edward Hungerford,	Tho. Wharton.
Shaftsbury.	Kt. of the Bench.	Sir Will. Cooper, Barones.
Gray of Wark.	Sir Hen. Calverly.	Sir Gilbert Gerrard, Baronet.
L. Russel.	Tho. Thyn, Esq;	Sir Scroop How.
L. Cavendish.	Will. Forrester, Esq;	
L. Brandon.	John Trenchard, Esq;	

The Jury was sent for up by the Court of Kings-Bench, whilst they were on this Indictment, and Dismiss'd, so that nothing was farther done upon it, saving that the Jury received the Presentment. And by the Dismission of the Jury, a very great number of the Indictments were Discharged. A thing scarcely to be parallel'd, and of very ill consequence, not only to many private Persons, but chiefly to the Publick.

Die-Martis, 25 Martij. 1679.

Resolved, *Nemine Contradicente*, by the Lords Spiritual and Temporal, and Commons in Parliament assembled, That they do Declare, That they are fully satisfied by the Proofs they have heard, There now is, and for divers Tears last past, hath been a Horrid and Treasonable Plot and Conspiracy, contrived and carried on by those of the Popish Religion, for the murdering of his Majesties Sacred Person, and for subverting the Protestant Religion, and the ancient and established Government of this Kingdom.

Jo. Browne Cleric' Parliamentor'.

Sunday, April 27. 1679.

Resolved, *nemine contradicente*, That the Duke of York being a Papist, and the hopes of his coming such to the Crown, hath given the greatest Incouragement and Countenance to the present Conspiracies and Designs of the Papists against the King and Protestant Religion.

Ordered,

That the Lord Russel do go up to the Lords to desire their Concurrence to this Vote.

Ordered,

That the Secret Committee bring an Abstract of all those Letters they have or can come by, that concern the Duke of York as to the Plot, with all speed.

Sunday, May 11. 1679.

Ordered,

That a Bill be brought in to disable the Duke of York to Inherit the Imperial Crown of this Realm.

Resolved *nemine contradicente*,

That in Defence of the King's Person and the Protestant Religion, this House do Declare, That they will stand by his Majesty with their Lives and Fortunes; and that if his Majesty should come by any violent Death, (which God forbid) that they will revenge it to the utmost on the Papists.

Ordered,

That these Votes be drawn in the form of an Address, to be presented to his Majesty, which is as follows.

May, 14. 1679.

Most Dread Sovereign,

WE Your Majesties most Dutiful and Loyal Subjects, the Commons in this present Parliament assembled, do with all humble Gratitude acknowledge the most Gracious Assurances Your Majesty hath been pleased to give us of Your constant Care to do every thing that may preserve the Protestant Religion, of Your firm Resolution to defend the same to the utmost, and Your Royal Endeavours that the Security of that Blessing may be transmitted to Posterity. And we do humbly represent to Your Majesty, That being deeply sensible that the greatest Hopes of Success against our Religion in the Enemies thereof the Papists, are founded in the Execrable Designs which they have had against Your Sacred Person, and the Life of Your Majesty; which it is not only our Duty, but our Interest, with the greatest hazard to preserve and defend. We have applied our Councils to the making such Provisions by Law as may defeat those Popish Adversaries, their Abettors and Adherents of their hopes of gaining any Advantage by any Violent Attempts against Your Majesty, and may utterly frustrate their expectation of subverting the Protestant Religion thereby in time

Reasons for the Indictment of the Duke of York

time to come. And further, to obviate by the best means we can, all wicked practices against Your Majesty, while any such Laws are in preparation and bringing to perfection. It is our Resolution, and we do Declare, That in Defence of Your Majesties Person, and the Protestant Religion, we will stand by Your Majesty with our Lives and Fortunes, and shall be ready to revenge upon the Papists any Violence offered by them to Your Sacred Person: In which we hope Your Majesty will graciously please to be the more assured, as we our selves are the more encouraged, in that the hearts of all Your Majesties Protestant Subjects with the most sincere Affection and Zeal joyn with us herein.

May the 19th. The House of Commons attended His Majesty with the Address, whereunto His Majesty was pleased to return this Gracious Answer following:

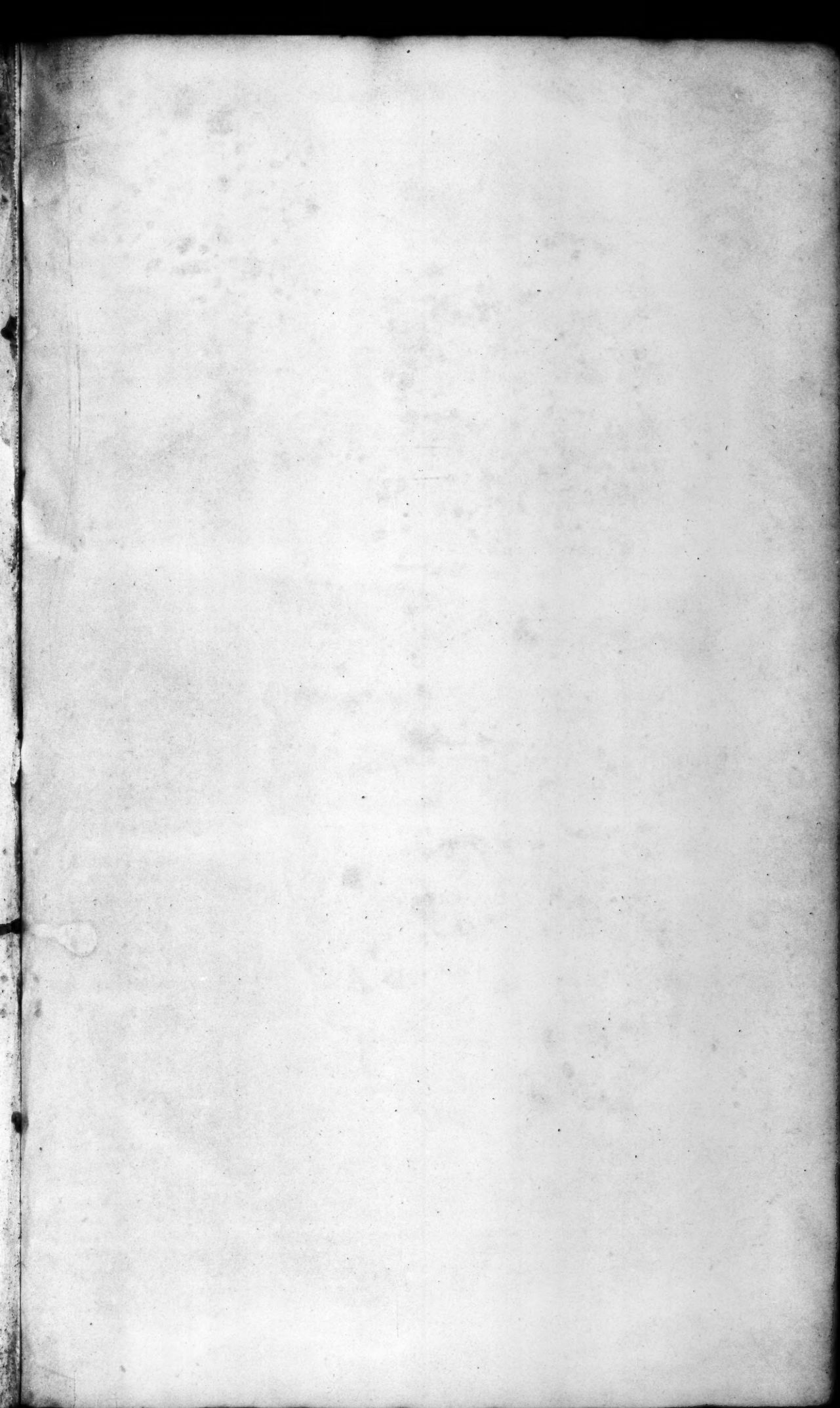
Gentlemen,

I thank you for your Zeal, for the Preservation of the Protestant Religion, and my Person: and I assure you I shall do what in me lies to preserve the Protestant Religion, and am willing to do all such things, as may tend to the good and benefit of my Subjects.

Wednesday, May 21. 1679.

The Chairman of the Committee of Secrecy reports several Letters, most of them tending to the great Assurance and Confidence the Popish Party had, by reason of the Duke of Yorks being a Papist: After which a Bill to dis-inable the Duke of York to Inherit the Imperial Crown of this Realm, was read a second time, and committed to a Committee of the whole House on Friday next then following.

FINIS.



STATE
TRACTS:
BEING A
COLLECTION
OF SEVERAL
TREATISES

Relating to the
GOVERNMENT.

Privately Printed in the REIGN of
K. Charles II.



L O N D O N,
Printed in the Year 1693.

February the 27th.

The Commons Reply to the King's Answer, as followeth.

Most Gracious Sovereign,

WE your Majesties most humble and loyal Subjects the Knights, Citizens, and Burgesses in this present Parliament assembled, do render your Sacred Majesty our most dutiful Thanks, for that, to our unspeakable comfort, your Majesty hath been pleased so often to reiterate unto us those gracious Promises and Assurances of maintaining the Religion now established, and the Liberties and Properties of the People: And we do not in the least measure doubt, but that your Majesty had the same gracious intentions in giving satisfaction to your Subjects by your Answer to our last Petition and Address; yet upon serious consideration thereof, we find that the said Answer is not sufficient to clear the Apprehensions that may justly remain in the minds of your People, by your Majesty's having claimed a Power to suspend Penal Statutes in matters Ecclesiastical, and which your Majesty doth still seem to assert in the said Answer, to be intrusted in the Crown, and never questioned in the Reigns of any of your Ancestors, wherein we humbly conceive your Majesty hath been very much misinformed, since no such thing was ever claimed or exercised by any of your Majesties Predecessors; and if it should, might tend to the interruption of the free course of the Laws, and the altering of the Legislative Power, which hath always been acknowledged to reside in your Majesty, and the two Houses of Parliament.

"We therefore with unanimous consent, do become again most humble Suitors to your Sacred Majesty, That you will please to give us a full and satisfactory Answer to our said Petition and Address; and that your Majesty will take such effectual Order, that the proceeding in this matter may not for the future be drawn into Consequence or Example."

Whereunto His Majesty gave this Answer for the present, *That indeed this was of Consequence, and he would take it into consideration.*

By this, finding that the House would not rest satisfied with his first Answer, but expected a Disclaimer of his assumed power to dispence with Laws in matter of Religion; he had repair to those Counsellors that advised him to attempt what was so distasteful to that House; who finding such great Opposition from those that must furnish them with Money to carry on the present War, and knowing, unless they made them some colourable Disclaimer, the Money-bill would not pass; advised His Majesty, as a fit means to put an end to the Controversie, to apply himself to the Lords, thereby seeming not to recede from his pretended Right, and yet willing to do something plausible, by making that House Parties and Judges of the Difference; and thereupon—

March 1. 1672. His Majesty made this following Speech to the House of Lords.

MY Lords, you know that at the opening of this Session, I spoke here to your Satisfaction, is bath notwithstanding begotten a greater Disquiet in the House of Commons, than I could imagine. I have received an Address from them, which I looked not for, and made them an Answer which ought to have contented them; but on the contrary, they have made such a Reply of such a nature, that I cannot think fit to proceed any further in this matter without your Advice. I have commanded my Lord Chancellor to acquaint you with all the Transactions, wherein you will find Me and your selves highly concerned. I am sensible of what relates to my self; And I assure you, my Lords, I am not less for your Priviledge, and the Honour of this House.

By this means the Lords (that medled not before) became, as it were, interessed in the Matter above-recited, and took the King's Application unto them for their advice, as such an extraordinary Favour, that the same day they shewed their Gratitude, by presenting him their Humble Thanks, in these words: *We the Lords Spiritual and Temporal in Parliament Assembled, do unanimously present Your Sacred Majesty our most humble Thanks, for having been pleased to communicate unto us, what hath passed between Your Majesty and the House of Commons; whereby Your Majesty hath graciously offered the Means of shewing our Duty to Your Majesty, and of asserting the Ancient just Rights and Priviledges of the House of Peers.* Whereunto the King returned this Answer:

"My Lords, I take this Address of yours very kindly, and will always be Affectionate to you; and I expect that you shall stand by me, as I will always by you. Yet notwithstanding these sweet words, it was the next day only Resolved, That the King's Answer to the House of Commons, in referring the Points now controverted to a Parliamentary Way by Bill, is Good and Gracious, that being a Good and Natural Course for Satisfaction

Relating to Religion, Property, and the Liberty of the Subject. 29

on therein. This Vote seemed to them the fittest means to reconcile the matters controverted, it neither determining one way or other, as to the right of the matter in debate; And yet for all this, the Commons receded not from their first purpose of settling the Power claimed by the King on its old Foundation, as you shall see hereafter.

In the mean time, whilst this was in agitation in the House of Lords, the Commons taking notice of the extraordinary increase of Popery, and prevalency of that Faction at Court, who had so powerfully managed their Interest, as to procure very many places of great Trust and Profit, conferred on men either professed Papists, or surely obliged to their Party, feared, and not without Grounds, the Ruin of the Protestant Interest might perchance take its Birth from hence, especially considering, that at that time the *United Netherlands* were almost (in the eye of the World) ruined by the Victorious *French*, and three of the seven Provinces totally conquered the last Summer; and the *Most Christian King* coming into the Field with a powerful Army, not only to defend what he had gotten the last Year, but to conquer the residue: And besides this, two Royal Fleets prepared (the one by His Majesty, the other by the *French King*) to attack them by Sea and Land, as Opportunity should serve, made many people imagine the *Dutch* upon their last Legs, and consequently this Nation in a tottering Condition, both as to Religion and Property; so that an absolute necessity obliged the Commons to shew then (if ever) what they could do towards the removal thereof; and therefore March the 3d agreed to an Address to be presented to His Majesty for Suppression of Popery; whereunto the Lords Concurrence was desired, and after a Conference obtained, the Address was presented to His Majesty in the Banqueting-House, March 7. which is as followeth:

Most Gracious Sovereign,

WE your Majesties most Loyal Subjects, the Lords and Commons in this present Parliament assembled, being sensible of the great Dangers and Mischiefes may arise in this your Majesty's Realm, by the increase of Popish Recusants amongst us; and considering the great resort of Jesuits and Priests into this Kingdom, who daily endeavour to seduce your Majesty's Subjects from their Religion and Allegiance; and how much your Loyal Subjects are disheartened to see such Popish Recusants admitted into Employments of great Trust and Profit, and especially into Military Commands over the Forces now in your Majesties Service; and having a tender regard to the Preservation of your Majesties Person, and the Peace and Tranquility of this Kingdom, we in all humility desire,

That your Majesty would be pleased to issue out your Royal Proclamation, to command all Priests and Jesuits (other than such as not being Natural born Subjects to your Majesty, are obliged to attend upon your Royal Consort the Queen) to depart within Thirty days, out of this your Majesties Kingdom; and if any Priest or Jesuit shall happen to be taken in England, after the Expiration of the said time, that the Laws shall be put in due Execution against them.

And that your Majesty would be pleased in the said Proclamation to command all Judges, Justices of the Peace, Mayors, Bailiffs, and all other Officers, to put the said Laws in Execution accordingly: That your Majesty would likewise be pleased that the Lord Chancellor of England shall, at or before the 25th day of March instant, issue out Commissions of Dedimus Potestatem, to the Judge Advocate, and Commissaries of Musters, and such other Persons as he shall think fit (not being Officers commanding Soldiers) to tender the Oath of Allegiance and Supremacy to all Officers and Soldiers now in your Majesties Service and Pay; and that such as refuse the said Oaths, may be immediately disabled, and not allowed or continued in any Pay or Pension; and that the Chancellor shall require due Returns to be made thereof within some convenient time after the issuing out of these Commissions.

That the Commissaries of the Musters be commanded and enjoined by your Majesties Warrant, upon the Penalty of losing their Places, not to permit any Officer to be mustered in the Service and Pay of your Majesty, until he shall have taken the Oaths of Allegiance and Supremacy, and receive the Sacrament of the Lords Supper according to the Usage of the Church of England; and that every Soldier by Law shall take the said Oaths before his first Muster, and receive the Sacrament in such manner before his second Muster.

And this we present in all dutifulness to your most Princely Wisdom and Consideration, as the best Means for the satisfying and composing the Minds of your Loyal Subjects; humbly desiring your Majesty graciously to accept of this our Petition, as proceeding from Hearts and Affections entirely devoted to your Majesties Service, and to give it your Royal Approbation.

Whereunto His Majesty was pleased to return this Answer :

My Lords and Gentlemen,

I do heartily agree to the matter of your Address, and shall give speedy Order to put it in Execution ; but hope it was not meant in the parts thereof, that it should extend to the Forces immediately to be employed beyond the Seas.

This Proceeding of the Parliament was thought by all good men of great Consequence, and the Nation began to look upon them as their Deliverers (under God) from Popery and Slavery.

The King's Answer pleased too the *major* part, tho the most intelligent questioned the performance thereof, knowing there was very little Security in His Majesty's Promises and Engagements, so long as that Party which perswaded and advised His Majesty to such pernicious Designs, that had set the World in such a Combustion, contrary to the Interest of His Majesty and the Kingdom, were so prevalent, and had the Ascendant in all his Councils. And also the time was a considerable Motive to make all men doubt ; the Commons being at that time upon the point of giving His Majesty a considerable Supply, which was held back and retarded by the honest Party, till they should, if they could, remove and redress the Grievances then complained of ; and in truth they were not far out in their Calculations ; for no sooner was the Money-Bill passed, and the Parliament thereupon Adjourned, but old Councils were reassumed, and pursued with as great Ardor and more Art than before, and few or none of the Matters and Grievances complained of removed or redressed, as shall in its proper place be made manifest. But to return.

March 8. The House of Commons attended His Majesty in the House of Lords, where he was graciously pleased to give them a new Assurance of his performing their Desires in all things, and furthermore a positive and satisfactory Answer to the House of Commons Reply, concerning the Declaration of Indulgence, for want whereof the Money-Bill was then at a stand : Whereby at that time it seemed to be done rather upon an absolute Necessity of having the Money, than with an Intention to satisfy the Nation in Real Performances. His Majesty's Speech is as followeth :

My Lords and Gentlemen,

Yesterday you presented Me with an Address, as the best means for the satisfying and composing the Minds of My Subjects, which I freely and readily agree to, and shall take care to see it performed accordingly.

I hope, on the other side, you Gentlemen of the House of Commons will do your part ; for I must put you in mind, it is near five weeks since I demanded a Supply ; and what you Voted Unanimously upon it, did both give Life to My Affairs at Home, and disheartened Mine Enemies Abroad. But the seeming Delay it hath met with since, has made them take new Courage ; And they are now preparing for the next Summer a greater Fleet, as they say, than ever they had yet. So that if the Supply be not speedily dispatched, it will be altogether ineffectual ; and the Safety, Honour, and Interest of England, must of necessity be exposed. Pray lay this to heart, and let not the Fears and Jealousies of some, draw an inevitable Ruine upon us all.

My Lords and Gentlemen,

If there be any Scruple yet remaining with you, concerning the Suspension of Penal Laws, I here faithfully promise you, That what hath been done in that particular, shall not for the future be drawn either into Consequence or Example. And as I daily expect a Bill from you for My Supply, so I assure you I shall as willingly receive and pass any other you shall offer Me, that may tend to the giving Satisfaction in all your just Grievances.

This was full, and to the purpose ; but yet fearing that not to be satisfactory to the Commons, Mr. Secretary Coventry, by command of His Majesty, informed the House, That His Majesty had ordered the Declaration of Indulgence to be Vacated, and that he saw the Seal taken off accordingly ; and to the same purpose my Lord Chancellor acquainted the House of Peers.

These Proceedings were so pleasing to the Parliament, that both Houses concurred in returning Thanks to His Majesty, for his most Gracious, Full and Satisfactory Answer to their humble Petitions and Addresses, and the same day attended him therewith at Four
of

Relating to Religion, Property, and the Liberty of the Subject. 31
of the Clock in the afternoon in the *Banqueting-House*, whereunto His Majesty was pleased to return this gracious Answer ensuing :

My Lords and Gentlemen,

I hope there will never be any more Difference amongst us ; I assure you there shall never be any occasion on my part.

You see here are more and more Assurances, which yet are not enough, as the Sequel will declare.

By this means the Court thought to have had their Ends, as to Money, answered with what Celerity the Parliament could : But yet the Money-Bill went not on faster, than that for Suppression of the Growth of *Popery*, which controlled the Statesmens greatest Designs, as appeared by my *Lord Treasurer's* Speech in the House of Lords, whose Expressions were so bitter and malicious against the Act last mentioned, that it produced several Speeches against his Lordship, in order to Impeach him of *High Treason*, which had certainly at that time been effected, had not some of the Members betrayed the Design, in not giving their Assistance therein, according to their solemn Promises and Engagements.

But the House of Commons were not altogether satisfied with His Majesty's Gracious Answer to the two Petitions and Addresses ; and therefore resolved to proceed further, and to attempt the Redressing of all Grievances whatsoever. Amongst which, finding by frequent Complaints, that *Ireland* was likely to be over-run with *Popery*, to the Overthrow of the *English* Interest there, and having His Majesty's Letter of the 26th of *February* 1671. and the *Proclamation* thereupon produced, whereby general License was given to all Papists to live in Corporations, and exercise their Trades there, and to enjoy the same Privileges as other His Majesty's Subjects ought to do, without any distinction ; and several other Letters and *Proclamations* to the prejudice of the *English*, and advancing of the *Irish* Interest ; they thought that this was the ready way to bring the *English* there to utter Ruine, and expose their Throats once more to the *Irish* Mercy : And therefore, *March* 18. the House of Commons Resolved,

That an Address be presented to His Majesty, representing the State and Condition of the Kingdom of Ireland, and the Danger of the English Protestant Interest there ; and that Mr. Richard Talbott be inserted in the Address as a Papist, and not capable of any Command or Employment, either Military or Civil, and that he be not admitted any Access to the Court.

And at the same time Ordered another Address to be drawn, wherein several Grievances of this Kingdom were to be presented, which shall be hereafter related at large, that the Reader may the better discern the several matters complained of.

The Court, at these Proceedings, was in great Indignation, fearing that if the Parliament should be permitted to sit long, they might chance fall upon the Advisers and Promoters of these Grievances, and punish them according to their Demerits, to prevent thereby such destructive Councils for the future ; and therefore sent Mr. Secretary *Coventry*, *March* 20. to acquaint the House, That His Majesty intended a *Recess* on the 27th then instant. But this not taking such effect as was desired, *March* 24. a Writing under His Majesty's Hand was sent to the House of Commons by the same Secretary, which here ensues.

C. R.

I AM commanded by His Majesty, in pursuance of his late Message, to acquaint you, That His Majesty intends you shall rise before Easter, and therefore expects an Expedition of such Bills as are of most Importance ; the Bill of *Popery*, and that of Supply, particularly ; and for such other Bills as concern either the Publick or Particular, and cannot be so soon ready, that they may not receive a Disappointment, His Majesty resolves to make this an Adjournment till the beginning of October, when you may continue their prosecution ; and in the mean time His Majesty will take such care of the Protestant Religion, as you shall have no cause to complain.

At the Court at *Whitehall*,
March 24. 1672.

Not-

Notwithstanding which, as well the several Addresses, as the Bill for Suppression of Popery, kept pace with the Money-Bill; which, if passed first, the House feared they should be Prorogued the same day, and all other Matters before them would thereby receive an absolute Dissolution.

March 26. *The House attended His Majesty with the several Addresses here ensuing, concerning Ireland.*

WE your Majesty's most Loyal Subjects, the Commons in this present Parliament assembled, taking into Consideration the great Calamities which have formerly befallen to your Majesty's Kingdom of *Ireland*, by the *Popish* Reculants there, who for the most part are profest Enemies to the Protestant Religion, and *English* Interest: And how they making ill use of your Majesty's Disposition and Clemency, are at this time grown more Insolent and Presumptuous than formerly, to the apparent Danger of that Kingdom, and your Majesty's Protestant Subjects there, the Consequence thereof may likewise prove very fatal to this Kingdom of *England*, if not timely prevented: And having seriously weighed what Remedies may be most properly applied to these growing Distempers, do in all humility present your Majesty with these our Petitions.

That for the quieting and establishing the Possessions of your Majesty's Subjects in that Kingdom, your Majesty would be pleased to maintain the Act of Settlement, and Explanatory Act thereupon; and to recall the Commission of Inquiry into *Irish* Affairs, bearing date the 17th of *January* last, as containing many new and extraordinary Powers, not only to the prejudice of particular Persons, whose Estates and Titles are thereby made liable to be questioned, but in a manner to the Overthrow of the said Act of Settlement. And if pursued, may be of great Charge and Attendance to many of your good Subjects in *Ireland*, and shake the Peace of the whole Kingdom.

That your Majesty would give Order, That no *Papist* be either continued or admitted to be a Commander or a Soldier in that Kingdom; and that because the *Irish* *Papists* have furnished themselves with great quantities of Arms, that your Majesty would please to give Directions so to Disarm them, that they may not be dangerous to the Government there, and that their Arms may be brought into the publick Magazines.

That the like Order may be given, That no *Papist* be continued, or hereafter admitted to be Judges, Justices of the Peace, Sheriffs, Governours, Mayors, Sovereigns or Portreeves in that Kingdom.

That the Titular Archbishops, Bishops, Vicars-General, Abbots, and all others exercising Ecclesiastical Jurisdiction by the Popes Authority; and in particular, *Peter Talbot*, pretended Archbishop of *Dublin*, for his notorious Disloyalty to your Majesty, and Disobedience and Contempt of your Laws, may be commanded by Proclamation forthwith to depart out of *Ireland*, and all other your Majesty's Dominions; or otherwise to be prosecuted according to Law. And that all Convents, Seminaries, and publick Schools, may be dissolved and suppressed, and the Regular Priests be commanded to depart under the like Penalty.

That no *Irish* *Papists* be admitted to inhabit in any Corporation of that Kingdom, unless duly Licensed according to the aforesaid Act of Settlement. And that your Majesty would be pleased to recall your Letter of the 26th of *February* 1671. and the Proclamation thereupon; whereby general License is given to such *Papists* to inhabit in Corporations there.

That your Majesty's Letter of the 28th of *September* 1672. and the Order of Council thereupon, whereby your Majesty's Subjects are required not to prosecute any Actions against the *Irish* for any Wrongs or Injuries committed during the late Rebellion, may likewise be recalled.

That Colonel *Richard Talbot*, who hath notoriously assumed to himself the Title of *Agent to the Roman Catholicks of Ireland*, be dismissed immediately out of all Commands, either Military or Civil, and forbidden all access to your Majesty's Court.

That your Majesty would be pleased from time to time, out of your Princely Wisdom, to give such further Orders and Directions to your Lord Lieutenant, or other Chief Governour for the time being, as may most conduce to the encouragement of the *English* Planters, and the Protestant Interest there, and the suppression of the Insolencies and Disorders of the *Irish* *Papists*.

These our humble Desires we present to your Majesty, as the best means to preserve the Peace and Safety of that your Kingdom, which hath been of late so much endangered by the Practices of the said *Irish* *Papists*; and particularly of the said *Richard* and *Peter Talbot*. And we doubt not but that your Majesty will find the happy effects thereof, to the great satisfaction and security of your Majesty's Person and Government, which of all earthly things is most dear to us, your Majesty's most Loyal and Obedient Subjects.

The

The Addresse concerning Grievances.

WE your Majesty's most Loyal Subjects, the Commons in this present Parliament assembled, conceiving our selves bound in necessary Duty to your Majesty, in Discharge of the Trust reposed in us, truly to inform your Majesty of the Estate of this your Kingdom; and, though we are abundantly satisfied, that it hath always been your Royal Will and Pleasure, that your Subjects should be Governed according to the Laws and Customs of this your Realm; yet finding that contrary to your Majesty's intentions, some Grievances and Abuses are crept in, we crave leave humbly to represent them to your Majesty's knowledge: and to desire,

That the Imposition of 12 *d.* a Chaldron upon Coals, for the providing of Convoys, by Vertue of an Order of Council, dated the 15th of May, 1672: may be recalled, and all Bonds taken by vertue thereof cancelled.

That your Proclamation of the 4th of December, for prevention of Disorders which may be committed by Soldiers; and whereby the Soldiers now in your Majesty's Service, are in a manner exempted from the ordinary course of Justice, may likewise be recalled.

And whereas great Complaints have been made out of several parts of this Kingdom, of divers abuses committed in Quartering of Soldiers: That your Majesty would please to give order to redress these Abuses; and in particular, That no Soldier hereafter be Quartered upon any private Houses, and that due satisfaction may be given to the Innkeepers, and Victuallers, where they lie, before they remove. And since the continuance of Soldiers in this Nation, will necessarily produce many inconveniencies to your Majesty's Subjects; we humbly present it as our Petition and Advice, that when this War is ended, all the Soldiers that have been raised since the last Session of Parliament, may be disbanded.

That your Majesty would likewise be pleased to consider of the Irregularities and Abuses in pressing Soldiers; and to give Order for the prevention thereof for the future.

And although it hath been the course of the former Parliaments, to desire Redress in their Grievances, before they proceed to give a Supply; yet we have so full assurance of your Majesty's tenderness and compassion towards your People, that we humbly prostrate our selves at your Majesty's Feet, with these our Petitions; desiring your Majesty to take them into your Princely Consideration; and to give such Order for Relief of your Subjects, and the removing these Pressures, as shall seem best to your Royal Wisdom.

To both which Addresses His Majesty made this Answer, by Mr. Speaker.

That he observed the Addresses consisted of several different parts, and therefore it could not be expected there should be a present Answer; but for the several particular things contained in them, he would before the next meeting, take such effectual care that no Man should have Reason to Complain.

With which the House thought themselves and the Nation so well secured, that the next day they Voted their humble Thanks to be presented unto His Majesty, for his Gracious Answers to their several Addresses; and in particular, for his Gracious Message; and for the care, he hath declared, he would take of the Protestant Religion: And so the Money Bill, and the Bill for the Suppression of the Growth of Popery, were willingly passed, and obtained the Royal Assent at the same time; and thereupon the Parliament was Adjourned till the 20th of October following.

This last Act, with His Majesty's Gracious assurances before related, were esteemed by some a sufficient defence to the Protestant Religion, and the Liberties and Properties of the Subject.

But notwithstanding all these seeming probabilities of assurance, the *Cliffordian* and *French* Designs were carried on in the Interval of this Session, in as pernicious, though different manner from their first Design, whose Method they were forced to change, by reason that the Act of Parliament for the Suppression of the Growth of Popery, was so made that it executed it self; and the means of introducing that Religion seeming then at a stand, they thought of a new project, that in probability might not receive so great opposition, nor attract that envy as the preferment of the *Papists* in several great Offices and Places of Trust had done, yet the same ends might be more certainly and easily, though possibly not so soon obtained. And to this end, a Marriage between his Royal Highness and the Princess of *Modena*, Sister to the present Duke thereof, was proposed; and the better to advance the same, and make the Match appear more considerable, his Most Christian Majesty had declared her an Adopted Daughter of *France*, and would give her a portion suitable thereunto; which Match was concluded without any great difficulty, by the Earl of *Peterborough*; and afterward Consummated by the same

Person, by His Majesty's Royal Consent and Authority; according to the Form used among Princes (as His Majesty was pleased to express it.)

Hereupon the *Popish* and *French* party were grown extremely insolent, having in most Mens Judgments received a less check from the late Act of Parliament, than encouragement from the Marriage.

But before her Highness could arrive in *England*, the Advisers of this Marriage perceived that the Twentieth of *October* would come, and that it might probably receive some Obstructions from the Parliament, and that some other things contrived at their meeting in *March* before, to their prejudice, might chance in a short time to be perfected; and therefore ordered it so, that the Parliament should be Prorogued till the 27th of the same *October*, whereby an end should be put to that Session; and all the business then unperfected, fall to the ground, contrary to His Majesty's Gracious Assurances and Promises, in *March* last, proposing these Consequences as certain, first, thereby to prevent and remove from His Majesty all Temptations to break the intended Marriage, and the *French* Alliance, knowing that the Parliament would use their utmost Endeavours to prevent the Consummation of that Marriage, which was likely to render both the *Popish* Religion, and the *French* Alliance impregnable.

Secondly, Considering that a Bill of Ease for Protestant Dissenters (whereby 'twas intended that the major part of them should have Liberty of Conscience, and be capable of Church-preferment) had passed the House of Commons, and had been sent up to the Lords in *March* before, where it then remained, and would not long stick there (as they feared) before it should obtain the Royal Assent; which if once effected, they did imagine and foresee, that this uniting of Interests would tend greatly to the Suppression of Popery; and consequently, no hopes of replanting thereof in this Nation. But if they could by any means whatsoever prevent the passing of that Bill, they doubted not, notwithstanding all the Parliament could do, to be safe amongst so many *Dissenters*, and drive on their Designs underhand, for the Ruine and Destruction of all Parties but their own.

Thirdly and Lastly, Their chief Design was to create a Difference and Jealousie between the King and Parliament, whereby (if all other Devices fail) they hope by the help of *French* Forces to introduce Popery into this Nation, and with it Arbitrary Government; which last they have by all Arts imaginable cried up as the best Government; but at the same time deny it to be practicable here, unless Popery precedes, or comes in with it. But to proceed.

This was not so closely carried but the Parliament had notice thereof, and the House of Commons hoping to prevent the Mischiefs that might arise from this Match, Voted, *October* the 20th. (before they were Prorogued) That the Privy Counsellors of the House should present an Address to His Majesty, whereby he should be desired to put an effectual stop to the Consummation thereof; which was done accordingly, though not to that purpose as it was hoped, as I shall presently shew.

According to the time of Adjournment, *Octob.* 27th. the Parliament assembled, where His Majesty made this following Speech.

My Lords and Gentlemen,

"I Thought this day to have Welcomed you with an honourable Peace; my preparations for the War, and condescensions at the Treaty, gave me great reason to believe so.

"But the *Dutch* have disappointed me in that Expectation, and have Treated my Embassadors at *Cologne* with the Contempts of Conquerors, and not as might be expected from Men in their Condition; they have other thoughts than Peace.

"This obligeth me to move you again for a Supply, the Safety and Honour of the Nation necessarily requiring it; it must be one proportionable to the occasion: And I must tell you besides, that if I have it not speedily, my Mischiefe will be irreparable in my preparations for the next Spring.

"The great Experience I have had of you Gentlemen of the House of Commons, will not suffer me to believe, that the Artifices of our Enemies can possibly divert you from giving me this Supply, or that you can fail of adjusting the proportion of it.

"I hope I need not use many words to persuade you that I am steady in maintaining all the Professions and Promises I have made you concerning Religion and Property. And I shall be very ready to give you fresh Instances of my Zeal for preserving the established Religion and Laws, as often as any occasion shall require.

"In the last place, I am highly concerned to commend to your Consideration and Care the Debt I owe the *Goldsmiths*, in which very many other of my good Subjects are involved. I heartily recommend their Condition to you, and desire your assistance for their Relief.

"There

"There is more that I would have you informed of, which I leave to the Lord Chancellor.

This Speech being ended, and the House of Commons assembled in their own House, the Consideration thereof (such vast Sums of Money being thereby demanded, as the Nation was unable, and the House thought not safe to give) was adjourned till *Friday*, and the House adjourned till *Thursday* following; at which time the House being met, Mr. Secretary *Conventry* brought the Answer ensuing, to the Address against the Match.

C. R.

That His Majesty having received an Address from the House of Commons, presenting their humble desire that the intended Marriage between his Royal Highness and the Princess of *Modena*, may not be consummated, commanded this Answer to be returned; "That he perceived the House of Commons wanted a full Information of this matter, "the Match being not barely intended, but compleated, according to the Form used "amongst Princes, by his Royal Consent and Authority. Nor could he in the least suppose it to be disagreeable in the House of Commons, his Royal Highness having been "in view of the World for several Months, engaged in Treaty of Marrying with another "Catholick Princess, and yet a Parliament held during that time, and not the least Exception taken of it.

With this Answer the House were not satisfied, and were resolved not to give over the Defence of our Religion and Liberty at such an easie rate, esteeming this Frenchified Match of far greater danger, than the proposed Marriage with the Dutchess of *Inspruck*, hinted in the Answer, was at that time of the Treaty thereof, if it should have taken effect; for then the Religion of his Royal Highness was unknown to most of the Nation, he having since that time refused the Tests provided in the late Act of Parliament for suppressing of Popery: And besides, the House of *Austria* (whereof she was) did not then appear to be in a Capacity to assist so powerfully the propagation of that Religion, as the *French* at this time did; and therefore the House voted another Address with Reasons against the Marriage; and the same day voted, That a Bill should be prepared for a general Test betwixt Protestants and Papists, and those that refused to take it, should be incapable of bearing any Office Military or Civil, or to sit in Parliament, or come within five Miles of the Court. By this Vote the chief Designs of the *Popish* and *French* party were intended to be disappointed, but they ordered their Affairs so that they soon evaded it.

Friday, October 31. The House in a Grand Committee, upon as serious Debate as ever was known there before, took into consideration His Majesties Speech, and resolved,

That the House, considering the present Condition of the Nation, will not take into any further Debate or Consideration any Aid, or Supply, or Charge upon the Subject, before the time of payment of the 18 Months Assessment granted by a late Act of Parliament, intituled, An Act for raising the Sum of 1238750 l. for supply of His Majesty's present Octavian, be expired, unless it shall appear that the Obstinacy of the Dutch shall render it necessary: Nor before this Kingdom be effectually secured from the Danger of Popery, and Popish Councils and Counsellors, and the other present Grievances be redressed.

This last Vote netled the Court not a little (which only stands in need of Parliaments to raise Money) and therefore were resolved to give them one Remove more; but that it might not seem altogether upon the account of denying Money, they let the Parliament proceed; who on *Monday* then following attended His Majesty with the second Address, with Reasons against the Marriage (they being at that time assured, that it was not so far concluded, but that for reason of State it might have been rejected, as it hath been practised in several Nations, and even by the *French* themselves in several Examples, as do manifestly appear in the *French* Lustories) and to the end the Reader may take notice thereof, I have here inserted it.

"We your Majesties most humble and loyal Subjects, the Commons in this present Parliament Assembled, being full of Assurance of your Majesties Gracious Intentions "to provide for the Establishment of Religion, and the preservation of your People in "Peace and Security; and foreseeing the dangerous Consequences which may follow "the Marriage of his Royal Highness the Duke of *York* with the Princess of *Modena*, "or any other of the Popish Religion; do hold our selves bound in Conscience and "Duty to represent the same to your Sacred Majesty, not doubting but those constant "Testimonies which we have given your Majesty of our True and Loyal Affections "to your Sacred Person, will easily gain a Belief that these our humble Desires proceed "from

from Hearts still full of the same Affection toward your sacred Majesty, and with Intentions to establish your Royal Government upon those true Supports of the Protestant Religion, and the Hearts of your People, with all Humility desiring your Majesty to take the same into your Princely Consideration, and to relieve your Subjects from those Fears and Apprehensions which at present they lie under, from the progress hath been made in that Treaty.

We do therefore humbly beseech your Majesty to consider, that if this Marriage do proceed, it will be a means to disquiet the Minds of your Protestant Subjects at home, and to fill them with endless Jealousies and Discontents, and will bring your Majesty into such Alliances abroad, as will prove highly prejudicial, if not destructive to the very Interest of the Protestant Religion it self.

And we find by sad experience, that such Marriages have increased and encouraged Popery in this Kingdom, and given opportunities to Priests and Jesuits to propagate their Opinions, and seduce great numbers of your Majesties Subjects.

And we do already observe how much that Party is animated with the hopes of this Match, who were lately discouraged by your Majesties Gracious Concessions in the last meeting of this Parliament.

That we greatly fear this may be an occasion to lessen the Affections of the People to his Royal Highness, who is so nearly related to the Crown, and whose Honour and Esteem we desire always be intirely preserved.

That for another Age more at least, this Kingdom will be under the continual Apprehensions of the Growth of Popery, and the Danger of the Protestant Religion.

Lastly, We consider that this Princess having so near a Relation and Kindred to many eminent persons of the Court of Rome, may give them great opportunities to promote their Designs, and carry on their Practices amongst us, and by the same means penetrate into your Majesties most secret Counsels, and more easily discover the State of the whole Kingdom.

And finding, that by the Opinions of very learned men, it is generally admitted, that such Treaties and Contracts by Proxy are dissolvable, of which there are several Instances to be produced: We do in all humbleness beseech your Majesty to put a stop to the Consummation of this intended Marriage.

And this we do the more importunately desire, because we have not as yet the happiness to see any Issue of your Majesty that may succeed in the Government of these Kingdoms, which Blessing we most heartily pray Almighty God in his due time to bestow upon your Majesty and these Kingdoms, to the unspeakable Joy and Comfort of all your Majesties Loyal Subjects, who desire nothing more than to continue under the Reigns of your Majesty, and your Royal Posterity for ever.

Whereunto His Majesty returned this Answer; *That he would consider thereof, and give a speedy Answer thereunto:* But instead of an Answer, he the next day prorogued the Parliament to the 7th of January following; but first spake to them in this manner.

My Lords and Gentlemen,

I need not tell you how unwillingly I call you hither at this time, being enough sensible what Advantages my Enemies both abroad and at home will reap by the least appearance of a difference betwixt me and my Parliament; nay, being assured they expect more Success from such a Breach (could they procure it) than from their Arms.

This, I say, shall (whilst I live) be my chief endeavour to prevent; and for that reason I think it necessary to make a short Recess, that all good men may recollect themselves against the next Meeting, and consider, whether the present posture of Affairs will not rather require their Applications to matters of Religion, and Support against our only Competitors at Sea, than to things of less Importance; and in the mean while, I will not be wanting to let all my Subjects see, that no care can be greater than my own, in the effectual suppressing of Popery: And it shall be your Faults, if in your several Countries the Laws be not effectually executed against the Growth of it.

I will not be idle neither in some things which may add to your Satisfaction, and then I shall expect a suitable Return from you.

You see here His Majesty's unwillingness to part without Money, and also to leave the French, his trusty Friends; all your Grievances must be for this Postpon'd: Those are but Trifles, if difference arise, 'tis your faults that do insist on things of small importance; therefore recollect your selves, that is, resolve, That *delenda est Carthago*, and to advance the French Interest, that there be no needs of Parliaments: Religion is concerned it seems (but which we know not) and Reformation promised, such as will make us all his Debtors.

A
L E T T E R

From a Person of QUALITY, to His Friend in the
COUNTRY.

S I R,

THis Session being ended, and the Bill of *Test* being finished at the Committee of the whole House, I can now give you a perfect Account of this *State Master-piece*. It was first hatch'd (as almost all the Mischiefs of the World had hitherto been) amongst the *Great Church-men*, and is a Project of several years standing, but found not Ministers bold enough to go through with it, until these *new Ones*, who wanting a better Bottom to support them, betook themselves wholly to this, which is no small Undertaking, if you consider it in its whole Extent.

First, To make a distinct Party from the rest of the Nation of the high Episcopal Man, and the old Cavalier, who are to swallow the hopes of enjoying all the Power and Office of the Kingdom, being also tempted by the Advantage they may receive from overthrowing the *Act of Oblivion*, and not a little rejoicing to think how valiant they should prove, if they could get any to fight the old Quarrel over again, now they are possessed of the Arms, Forts, and Ammunition of the Nation.

Next they design to have the Government of the Church sworn to, as unalterable, and so tacitly own'd to be of *Divine Right*; which, tho inconsistent with the Oath of Supremacy, yet the Church-men easily break through all Obligations whatsoever, to attain this station; the advantage of which, the Prelate of Rome hath sufficiently taught the World.

Then in requital to the Crown, they declare the Government *Absolute* and *Arbitrary*, and allow Monarchy, as well as Episcopacy, to be *Jure Divino*, and not to be bounded or limited by human Laws.

And to secure all this, they resolve to take away the Power and Opportunity of *Parliaments* to alter any thing in Church or State, only leave them as an Instrument to raise Money, and to pass such Laws as the Court and Church shall have a mind to: The Attempt of any other, how necessary soever, must be no less a Crime than *Perjury*.

And, as the Top-stone of the whole Fabrick, a Pretence shall be taken from the Jealousies they themselves have raised, and a real necessity from the smallness of their Party, to increase and keep up a standing Army; and then in due time the Cavalier and Church-man will be made greater *Fools*, but as errant *Slaves* as the rest of the Nation.

In order to this, the first step was made in the *Act for Regulating Corporations*; wisely beginning that in those lesser Governments, which they meant afterwards to introduce upon the Government of the Nation; and making them swear to a Declaration and Belief of such Propositions as they themselves afterwards upon debate were enforced to alter, and could not justify in those words; so that many of the wealthiest, worthiest, and soberest Men are still kept out of the Magistracy of those places.

The next step was in the *Act of Militia*, which went for most of the chiefest Nobility and Gentry, being obliged as Lord-Lieutenants, Deputy-Lieutenants, &c. to swear to the same Declaration and Belief, with the addition only of these words, *In pursuance of such Military Commissions*; which makes the matter rather worse than better: Yet this went down smoothly, as an Oath in fashion, a Testimony of Loyalty; and none adventuring freely to debate the matter, the Humour of the Age, like a strong Tide, carries wise and good men down before it. This *Act* is of a piece, for it establisheth a standing Army by a Law, and swears us into a *Military Government*.

Immediately after this, followeth the *Act of Uniformity*, by which all the Clergy of England are obliged to subscribe and declare what the Corporations, Nobility and Gentry had before sworn; but with this additional Clause of the *Militia Act* omitted. This the Clergy readily complied with; for you know that sort of men are taught rather to obey than understand, and to use that Learning they have, to justify, not to examine what their Superiors command: And yet that *Bartholomew-day* was fatal to our Church and Religion, and throwing out

A Letter from a Person of Quality.

a very great number of *Worthy, Learned, Pious and Orthodox Divines*, who could not come up to this, and other things in that Act: And it is an Oath upon this occasion worth your knowledge, that so great was the Zeal in carrying on this Church-Affair, and so blind was the Obedience required, that if you compute the time of passing this Act, with the time allowed for the Clergy to subscribe the Book of *Common-Prayer* thereby establish'd, you shall plainly find it could not be Printed and distributed so as one man in forty could have seen and read the Book they did so perfectly assent and consent to.

But this matter was not compleat until the *Five-mile Act* passed at *Oxford*, wherein they take an opportunity to introduce the Oath in the terms they would have it: This was then strongly opposed by the Lord Treasurer *Southampton*, Lord *Wharron*, Lord *Ashley*, and others, not only in the concern of those poor Ministers that were so severely handled, but as it was in it self a most unlawful and unjustifiable Oath; however, the Zeal of that time against all *Nonconformists*, easily passed the Act.

This Act was seconded the same Session at *Oxford*, by another Bill in the *House of Commons*, to have imposed that Oath on the *whole Nation*; and the Providence by which it was thrown out, was very remarkable: For Mr. *Peregrine Bertie* being newly chosen, was that morning introduced into the House by his Brother the now E. of *Lindsey*, and Sir *Tho. Osborn*, now Lord Treasurer, who all three gave their Votes against that Bill; and the Numbers were so even upon that division, that their three Votes carried the Question against it.

Thus our Church became *Triumphant*, and continued so for divers years, the *Dissenting Protestant* being the only Enemy, and therefore only Persecuted, whilst the *Papists* remain undisturb'd, being by the Court thought Loyal, and by our great Bishops not dangerous, they differing only in *Doctrine and Fundamentals*; but as to the Government of the Church, that was in their Religion in their highest Exaltation.

This Dominion continued unto them, until the Lord Clifford, a man of a *daring and ambitious Spirit*, made his way to the chief Ministry of Affairs by other and far different measures, and took the opportunity of the War with *Holland*, the King was then engaged in, to propose the Declaration of Indulgence, that the Dissenters of all sorts, as well Protestants as Papists, might be at rest, and so a vast number of People not be made desperate at home, while the King was engaged with so Potent an Enemy abroad. This was no sooner propos'd, but the E. of *Shaftsbury*, a man as daring, but more able (tho of Principles and Interest diametrically opposite to the other) presently closed with it; and perhaps the opportunity I have had by my Conversation with them both, who were men of Diversion, and of free and open Discourses where they had a Confidence, may give you more light into both their Designs, and so by consequence the aims of their Parties, than you will have from any other hand. My Lord Clifford did in express terms tell me one day, in private Discourse, That the King, if he would be firm to himself, might settle what Religion he pleased, and carry the Government to what height he would; for if men were assured of the Liberty of their Consciences, and undisturbed in their Properties, able and upright Judges made in Westminster-hall, to judge the Causes of Meum and Tuum; and if, on the other hand, the Fort of *Tilbury* was finished to bridle the City, the Fort of *Plymouth* to secure the West, and Arms for 20000 in each of these, and in *Hull* for the Northern parts, with some addition which might be easily and undiscernably made to the Forces now on foot, there were none that would have either Will, Opportunity or Power to resist. But he added withal, He was so sincere in the maintenance of Property and Liberty of Conscience, that if he had his Will, tho he should introduce a Bishop of *Durham* (which was the Instance he then made, that See being then vacant) of another Religion, yet he would not disturb any of the Church beside, but suffer them to die away, and not by his Change (how hasty soever he was in it) overthrow either of those Principles, and therefore desired he might be thought an honest man, as to his part of the Declaration, for he meant it really. The L. *Shaftsbury* (with whom I had more freedom) I with great assurance asked, what he meant by the Declaration? for it seem'd to me (as I then told him) that it assumed a Power to repeal and suspend all our Laws, to destroy the Church, to overthrow the Protestant Religion, and to tolerate Popery. He reply'd, all angry, That he wonder'd at my Objection, there being not one of these in the Case; for the King assum'd no Power of repealing Laws, or suspending them, contrary to the Will of his Parliament or People; and not to argue with me at that time the Power of the King's Supremacy, which was of another nature than that he had in Civils, and had been exercised without exception in this very Case, by his Father, Grandfather, and Q. *Eliz.* under the Great Seal, to foreign Protestants, become Subjects of England; not to instance in the suspending the execution of the two Acts of Navigation and Trade, during both this and the last Dutch War, in the same words, and upon the same necessity, and as yet without clamor that ever we heard: but to pass by all that, this is certain, a Government could not be supposed, whether Monarchical, or of any other sort, without a standing Supreme Executive Power, fully enabled to mitigate, or wholly to suspend the execution of any Penal Law, in the intervals of the Legislative Power; which when assembled, there was no doubt but where-ever there lies a Negative in passing of a Law, there the Address or Sense known of either of them to the contrary (as for instance of either of our two Houses of Parliament in England) ought to determine that Indulgence, and restore the Law to its full execution: For without this, the Laws were to no purpose made, if the Prince could annul them at pleasure; and

so on the other hand, without a Power always in being of dispensing upon occasion, was to suppose a Constitution extremely imperfect and unpracticable; and to cure those with a Legislative Power always in being, is, when consider'd, no other than a perfect Tyranny. As to the Church, he conceived the Declaration was extremely their Interest; for the narrow bottom they had placed themselves upon, and the Measures they had proceeded by so contrary to the Properties and Liberties of the Nation, must needs in short time prove fatal to them; whereas this led them into another way, to live peaceably with the dissenting and differing Protestants, both at home and abroad, and so by necessary and unavoidable Consequences to become the Head of them all; for that place is due to the Church of England, being in favour, and of nearest approach to the most powerful Prince of that Religion, and so always had it in their hands to be the Intercessors and Procuress of the greatest Good and Protection that Party throughout all Christendom can receive. And thus the A. B. of Canterbury might become not only alterius Orbis, but alterius Regionis Papa, and all this addition of Honor and Power attain'd without the least loss or diminution of the Church; it not being intended that one Living, Dignity or Preferment should be given to any but those that were strictly Conformable. As to the Protestant Religion, he told me plainly, It was for the preserving of that, and that only, that he heartily joyned in the Declaration; for besides that he thought it his Duty to have care in his Place and Station of those he was convinced were the people of God, and feared him, tho of different Persuasions; he also knew nothing else but Liberty and Indulgence that could possibly (as our Case stood) secure the Protestant Religion in England; and he begg'd me to consider, if the Church of England should attain to a rigid, blind, and undisputed Conformity, and that Power of our Church should come into the hands of a Bishop Prince, which was not a thing so impossible or remote, as not to be apprehended; whether in such a case, would not all the Arms and Artillery, and Government of the Church, be turned against the present Religion of it? And should not all good Protestants tremble to think what Bishops such a Prince was like to make, and whom those Bishops would condemn for Hereticks, and that Prince might burn? Whereas if this, which is now but a Declaration, might ever by the expedience of it gain the advantage of becoming an established Law, the true Protestant Religion would still be kept up amongst the Cities, Towns, and Trading places, and the worthiest and soberest (if not the greatest) part of the Nobility, Gentry, and People. As for the Toleration of Popery, he said, It was a pleasant Objection, since he could confidently say that the Papists had no advantage in the least by this Declaration, that they did not as fully enjoy, and with less noise, by the favour of all the Bishops. It was the Vanity of the L. Keeper that they were named at all, for the whole advantage was to the dissenting Protestants, which were the only men disturb'd before; and yet he confess'd to me, that it was his Opinion, and always had been, that the Papists ought to have no other pressure laid upon them, but to be made incapable of Office, Court, or Arms, and to pay so much as might bring them at least to balance with the Protestants for those chargeable Offices they are liable unto; and concluded with this, That he desired me seriously to weigh, whether Liberty and Property were likely to be maintained long in a Country like ours, where Trade is so absolutely necessary to the very Being as well as Prosperity of it; and in this Age of the World, if Articles of Faith and Matters of Religion should become the only accessible ways to our Civil Rights.

Thus, Sir, you have perhaps a better account of the Declaration, than you can receive from any other hand, and I could have wish'd it a longer continuance, and better reception than it had; for the Bishops took so great an offence at it, that they gave the alarm of Popery through the whole Nation, and by their Emisaries the Clergy (who by the connexture and subordination of their Government, and their being posted in every Parish, have the advantage of a quick dispersing their Orders, and a sudden and universal insinuation of whatever they please) raised such a cry, that those good and sober men who had really long feared the increase and continuance of Popery had hitherto received, began to believe the Bishops were in earnest, their eyes opened, tho late, and therefore joined heartily with them; so that at the next meeting of Parliament the Protestant Interest was run so high, as an Act came up from the Commons to the H. of Lords in favour of the dissenting Protestants, and had pass'd the Lords, but for want of time. Besides another excellent Act pass'd the Royal Assent for the Excluding all Papists from Office, in the opposition of which the L. Treasurer Clifford fell, and yet to prevent his Ruin this Session had the speedier end. Notwithstanding, the Bishops attain'd their Ends, the Declaration being cancell'd, and the Great Seal being broken off from it, the Parliament having pass'd no Act in favour of the Dissenters, and yet the sense of both Houses sufficiently declar'd against all the Indulgence but by Act of Parliament. Having got this Point, they us'd it at first with seeming moderation; there were no general Directions given for persecuting the Nonconformists, but here and there some of the most confiding Justices were made use of to try how they could receive the Old Persecution, for as yet the Zeal rais'd against the Papists was so great, that the worthiest and soberest of the Episcopal Party thought it necessary to unite with the Dissenting Protestants, and not to divide their Party, when all their Forces were little enough: In this posture the Sessions of Parliament that began Octob. 27. 1673. found Matters, which being suddenly broken up, did nothing.

The next Sessions, which began Jan. 7. following, the Bps. continued their Zeal against the Papists, and seem'd to carry on, in joining with the Country Lords, many excellent Votes in order to a Bill; as in particular, That the Princes of the Blood-Royal should only Marry Protestants, and

and many others; but their favour to dissenting Protestants was gone, and they attempted a Bargain with the Country Lords, with whom they then joyned, not to promote any thing of that nature, except the Bill for taking away Assent and Consent, and renouncing the Covenants.

This Session was no sooner ended without doing any thing, but the whole Clergy were instructed to declare that there was now no more danger of the Papists: The Phanatick (for so they call the dissenting Protestant) is again become the only dangerous Enemy; and the Bishops had found a Scotch Lord, and two new Ministers, or rather great Officers of England, who were desperate and rash enough to put their Masters business upon so narrow and weak a bottom: and that old Covenanter Lauderdale is become the Patron of the Church, and has his Coach and Table fill'd with that Party. The Keeper and — are of a just size to this Affair; for it is a certain Rule with the Church-men to endure (as seldom as they can) in business, Men abler than themselves. But his Grace of Scotland was least to be excus'd of the three, for having fallen from Presbytery, Protestant Religion, and all Principles of Publick Good and private Friendship, and become the Slave of Clifford, to carry on the Ruin of all he had professed to support, does now also quit even Clifford's generous Principles, and betake himself to a fort of men, that never forgive any man be having once been in the right, and such men who would do the worst of things by the worst of means; enslave their Country, and betray them, under the Mask of Religion, which they have publick Pay for, and the Charge of, *so sucking the Kid in the Mothers Milk.* Our Statesmen and Bishops being now as well agreed as in old Laud's time, on the same Principles, with the same Passion, to attain their End, they in the first place gave Orders to the Judges in all their Circuits to quicken the execution of the Laws against Dissenters, a new Declaration is publish'd directly contrary to the former, most in words against the Papists, but in the sense, and in the close, did fully serve against both, and in the execution it was plain who were meant. A Commission besides comes down, directed to the principal Gentlemen of each County, to seize the Estates of both Papists and Phanatics, mentioned in a List annexed, wherein, by great misfortune or skill, the Names of Papists of best Quality and Fortune (and so best known) were mistaken, and the Commission render'd ineffectual as to them.

Besides this, the great Ministers of State did in their common publick Talk assure the Party, that all the Places of Profit, Command and Trust, should only be given to the old Cavalier; no man that had served, or been of the contrary Party, should be left in any of them: And a Direction is issued to the Great Ministers before mentioned, and six or seven of the Bishops, to meet at Lambeth-house, who were, like the Lords of the Articles in Scotland, to prepare their complete Model for the ensuing Session of Parliament.

And now comes this memorable Session of Ap. 13. 75. than which never any came with more expectation of the Court, or dread and apprehension of the People; the Officers, Court-Lords and Bishops were clearly the major Vote in the Lords House; and they assured themselves to have the Commons as much at their dispose, when they reckon'd the number of the Courtiers, Officers, Pensioners, increased by the addition of the Church and Cavalier Party, besides the Address they made to Men of the best Quality there, by hopes of Honour, great Employment, and such things as would take. In a word, the French King's Ministers, who are the great Chapmen of the World, did not out-do ours at this time, and yet the over-ruling hand of God has blown upon their Politicks, and the Nation is escaped this Session, like a Bird out of the Snare of the Fowler.

In this Session the Bishops wholly laid aside their Zeal against Popery. The Committee of the whole House for Religion, which the Country Lords had caused to be set up again by the example of the former Sessions, could hardly get, at any time, a day appointed for their Sitting; and the main thing design'd for a Bill voted in the former Session, viz. the marrying our Prince to none but Protestants, was rejected, and carried in the Negative by the unanimous Votes of the Bishops Bench; yet the Lay Lords, not understanding from how excellent a Principle this proceeded, commonly call'd them for that reason *the dead Weight*, and they really proved so in the following business; for the third day of this Session; this Bill of the Test was brought into the Lords House by the Earl of L. L. C. a Person of great Quality, but in this imposed upon, and received its first Reading, and appointment for the second. without much opposition, the Country Lords being desirous to observe what weight they put upon it, or how they designed to manage it.

At the second Reading, the L. Keeper and some other of the Court-Lords recommended the Bill to the House in set and elaborate Speeches, the Keeper calling it, *A moderate security to the Church and Crown*, and that no honest man could refuse it, and whosoever did, gave great suspicion of dangerous and Antimonarchical Principles; the other Lords declaim very much upon the Rebellion of the late Times, the great number of Phanatics, the dangerous Principles of Rebellion still remaining; carrying the Discourse on, as if they meant to trample down the Act of Obedience, and all those whose Securities depended on it. But the E. of Shaftsbury, and some other of the Country Lords, earnestly press'd that the Bill might be laid aside, and that they might not be engag'd in the debate of it; or else that the freedom they should be forc'd to use in the necessary defence of their Opinion, and the preserving of their Laws, Rights, and Liber.

Liberties, which this Bill would overthrow, might not be misconstrued: For there are many things that must be spoken upon the Debate, both concerning Church and State, that it was well known they had no mind to hear. Notwithstanding this, the great Officers and Bishops called out for the Question of referring the Bill to a Committee; but the Earl of Shaftsbury, a Man of great Abilities and Knowledge in Affairs, and one that in all these variety of changes of this last Age, was never known to be either bought or frightened out of his publick Principles, at large opened the mischievous, and ill designs, and consequences of the Bill, which as it was brought in, required all Officers of Church and State, and all of Members of both Houses of Parliament, to take this Oath following.

I A. B. do declare, that it is not Lawful, upon any pretence whatsoever, to take up Arms against the King; and that I do abhor that Traiterous Position of taking Arms by His Authority, against His Person, or against those that are commission'd by Him in pursuance of such Commission: And I do swear, that I will not at any time endeavour the Alteration of the Government, either in Church or State. So help me God. The Earl of Shaftsbury and other Lords spake with such convincing Reason, that all the Lords, who were at liberty from Court-Engagements, resolved to oppose to the uttermost, a Bill of so dangerous consequence; and the Debate lasted five several days before it was committed to a Committee of the whole House, which hardly ever happened to any Bill before. All this and the following Debates, were managed chiefly by the Lords, whose Names you will find to the following Protestations; the First whereof was as followeth.

We, whose Names are under-written, being Peers of this Realm, do, according to our Rights, and the ancient Usage of Parliaments, declare, that the Question having been put whether the Bill (Entituled, An Act to prevent the dangers which may arise from Persons disaffected to the Government) doth so far intrench upon the Privileges of this House, that it ought therefore to be cast out: It being resolved in the Negative, We do humbly conceive, that any Bill which imposeth an Oath upon the Peers with a Penalty, as this doth, that upon the refusal of that Oath, They shall be made incapable of Sitting and Voting in this House; as it is a thing unprecedented in former Times, so is it, in Our humble Opinion, the highest Invasion of the Liberties and Privileges of the Peerage that possibly may be, and most destructive of the Freedom which they ought to enjoy as Members of Parliament, because the Privileges of Sitting and Voting in Parliament is an Honour they have by Birth, and a Right so inherent in them, and inseparable from them, as that nothing can take it away, but what by the Law of the Land, must wihal take away their Lives, and corrupt their Blood; upon which ground we do here enter our Dissent from that Vote, and our Protestation against it.

Buckingham	Alisbury	Howard E. of Berks	Shaftsbury
Bridgewater	Bristol	Mobun	Clarendon
Winchester	Denbigh	Stamford	Grey Roll.
Salisbury	Pagitt	Hallifax	Say & Seal
Bedford	Hollis	De la Mer	Wharton.
Dorset	Peter	Eure	

The next Protestation was against the Vote of committing the Bill, in the words following:

The Question being put, whether the Bill, Entituled, an Act to prevent the Dangers which may arise from Persons disaffected to the Government, should be committed; It being carried in the Affirmative, and We, after several days debate, being in no measure satisfied, but still apprehending that this Bill doth not only subvert the Privileges and Birth-right of the Peers, by imposing an Oath upon them, with the Penalty of losing their Places in Parliament, but also, as We humbly conceive, strike at the very Root of Government; it being necessary to all Governments to have freedom of Votes and Debates in those who have power to alter and make Laws; and besides, the express words of this Bill, obliging every Man to abjure all Endeavours to alter the Government in the Church, without regard to any thing that Rules of Prudence in the Government, or Christian Compassion to Protestant Dissenters, or the Necessity of Affairs at any time, shall or may require. Upon these Considerations, We humbly conceive it to be of dangerous consequence to have any Bill of this Nature so much as Committed, and do enter our Dissents from that Vote, and Protestation against it.

Buckingham	Bristol	Shaftsbury
Winton	Howard of Berks	Wharton
Salisbury	Clarendon	Mobun
Denbigh	Stamford	De la Mer.

Which Protestation was no sooner entred and subscribed the next day, but the great Officers and Bishops raised a storm against the Lords that had subscrib'd it; endeavouring not only some severe proceedings against their Persons, if they had found the House would have born it, but also to have taken away the very liberty of entering Protestations with Reasons; but that

was defended with so great Ability, Learning, and Reason by the L. Hollis, that they quit-
ted the Attempt, and the Debate ran for some hours either wholly to raze the Protestation
out of the Books, or at least some part of it, the Expression of *Christian compassion to Pro-*
testant Dissenters being that which gave them most offence; but both these ways were so
disagreeable to the Honour and Privilege of the House, and the latter to common Sense
and Right, that they despaired of carrying it, and contented themselves with having voted,
That the Reasons given in the said Protestation did reflect upon the Honour of the House, and were
of dangerous consequence. And I cannot hear forbear to mention the *Worth and Honour* of that
Noble Lord Hollis, suitable to all his former Life. That whilst the Debate was at the height,
and the Protesting Lords in danger of the Tower, he begg'd the House to give him leave
to put his Name to that Protest, and take his Fortune with those Lords, because his Sicknes
had forced him out of the House the day before; so that not being at the Question, he
could not by the Rules of the House, Sign it. This Vote against those twelve Lords be-
gat the next day this following Protestation, signed by a

Whereas it is the undoubted Privilege of each Peer in Parliament, when a Question is past con-
trary to his Vote and Judgement, to enter his Protestation against it, and that in pursuance thereof,
the Bill, Entituled, An Act to prevent the Dangers which may arise from Persons disaffected
to the Government, being conceived by some Lords to be of so dangerous a Nature, as that it was
not fit to receive the countenance of a Commitment; those Lords did protest against the Commit-
ment of the said Bill: and the House having taken exceptions at some expressions in their Protesta-
tion, those Lords who were present at the Debate, did all of them severally and voluntarily declare, That
they had no intention to reflect upon any Member, much less upon the whole House, which, as is
humbly conceived, was more than in strictness did consist with that absolute freedom of Protesting,
which is inseparable from every Member of this House, and was done by them meely out of their
great Respect to the House, and their earnest desire to give all satisfaction concerning themselves, and
the clearness of their intentions: yet the House not satisfied with this their Declaration, but pro-
ceeding to a Vote, That the Reasons given in the said Protestation do reflect upon the Honour of
the House, and are of dangerous consequence; which is in our humble Opinion, a great discour-
nancing of the very liberty of Protesting. We, whose Names are under written, conceive our selves,
and the whole House of Peers, extremely concerned that this great Wound should be given (as we
humbly apprehend) to so essential a Privilege of the whole Peerage of this Realm, as their liberty
of Protesting; do now (according to our unquestionable Right) make use of the same liberty to
enter this our Dissent from, and protestation against the said Vote,

Bucks	Denbigh	Hallifax	Hollis
Winton	Berks	Audley	De la Mer
Bedford	Clarendon	Fitzwater	Grey Roll.
Dorset	Aylisbury	Eure	
Salisbury	Shaftsbury	Wharton	
Bridgwater	Say and Seal	Mobun	

After this Bill being committed to a Committee of the whole House, the first thing in-
fisted upon by the Lords against the Bill, was, that there ought to be passed some *previous*
Votes to secure the Rights of *Peerage* and Privilege of *Parliament*, before they entred upon
the debate on amendments of such a Bill as this; and at last two *previous Votes* were obtained,
which I need not here set down, because the next Protestation hath them both in *terminis*.

Whereas upon the debate on the Bill, Entituled, *An Act to prevent the Dangers which may*
arise from Persons disaffected to the Government, It was ordered by the House of Peers the 30th
of April last, *That no Oath should be imposed by any Bill, or otherwise, upon the Peers, with a Penalty,*
in case of Refusal, to lose their Places, or Votes in Parliament, or liberty to debate therein; and
whereas also, upon debate of the same, it was ordered the Third of this instant May, that there
shall be nothing in this Bill, which shall extend to deprive either of the Houses of Parliament, or any
of their Members, of their just, ancient Freedom and Privilege of debating any Matter or Business
which shall be propounded or debated in either of the said Houses, or at any Conference or Committee
of both, or either of the said Houses of Parliament; or touching the Repeal, or Alteration of any
old, or preparing any new Laws, or the redressing any Publick Grievance; but that the said Members
of either of the said Houses, and the Assistants of the House of Peers, and every of them, shall have the
same freedom of Speech, and all other Privileges whatsoever, as they had before the making of this Act.
Both which Orders were passed as Previous Directions unto the Committee of the whole
House, to whom the said Bill was committed, to the end that nothing should remain in the
said Bill, which might any ways tend towards the depriving of either of the Houses of *Par-*
liament, or any of their Members, of their ancient freedom of Debates, or Votes, or other
their Privileges whatsoever. Yet the House being pleased, upon the Report from the Com-
mittee, to pass a Vote, *That all Persons who have, or shall have Right to Sit and Vote in*
either House of Parliament, should be added to the first enacted Clause in the said Bill,
where-

whereby an Oath is to be imposed upon them as Members of either House, which Vote *We whose Names under written, being Peers of the Realm, do humbly conceive, is not agreeable to the said two previous Orders; and it having been humbly offered and insisted upon by divers of us, that the Proviso in the late Act Entituled, An Act for preventing Dangers that may happen from Popish Recusants, might be added to the Bill depending, whereby the Peerage of every Peer of this Realm, and all their Privileges, might be preserved in this Bill, as fully as in the said late Act: Yet the House not pleasing to admit of the said Proviso, but proceeding to the passing of the said Vote, We do humbly upon the grounds aforesaid, and according to our undoubted Right, enter this our Dissent from, and Protestation against the same:*

Rucks, Berks, Denbigh, and Eure, Bedford, Bridgewater, Dorset, De la Mar, Winton, Stamford, Shaftsbury, Pagitt, Salisbury, Clarendon, Wharton, and Mordaunt.

This was their last Protestation; for after this, they alter'd their Method, and reported not the Votes of the Committee, and parts of the Bill to the House, as they past them, but took the same order as is observed in other Bills, not to report unto the House, until they had gone through with the Bill, and so report all the Amendments together. This they thought a way of more Dispatch, and which did prevent all Protestations, until it came to the House; for the Votes of a Committee, tho' of the whole House, are not thought of that weight, as that there should be allow'd the entering a Dissent of them, or Protestation against them.

The Bill being read over at the Committee, the Lord Keeper objected against the form of it, and desired that he might put it in another Method; which was easily allow'd him, that being not the Dispute. But it was observable the Hand of God was upon them in this whole Affair; their Chariot-wheels were taken off, they drew heavily; a Bill so long design'd, prepar'd, and of that Moment to all their Affairs, had hardly a sensible Composure.

The first part of the Bill that was fallen upon, was, whether there should be an Oath at all in the Bill; and this was the only Part the Court-Party defended with Reason: For the whole Bill being to enjoin an Oath, the House might reject it, but the Committee was not to destroy it. Yet the Lord *Hallifax* did with that Quickness, Learning, and Elegance, which are inseparable from all his Discourses, make appear, That as there really was no Security to any State by Oaths; so also no private Person, much less States-man, would ever order his Affairs as relying on it, no Man would ever sleep with open Doors, or unlockt-up Treasure or Plate, should all the Town be sworn not to Rob: So that the use of multiplying Oaths, had been most commonly to exclude or disturb some honest conscientious Men, who would never have prejudiced the Government. It was also insisted on by that Lord and others, that the Oath imposed by the Bill, contained three Clauses; the two former Assertory, and the last Promissory; and that it was worthy the consideration of the Bishops, Whether *Assertory Oaths*, which were properly appointed to give Testimony of a Matter of Fact, whereof a Man is capable to be fully assured by the Evidence of his Senses, be lawfully to be made use of to confirm or invalidate Doctrinal Propositions; and whether that Legislative Power, which imposes such an Oath, doth not necessarily assume to it self an Infalibility? And, as for *Promissory Oaths*, it was desired that those Learned Prelates would consider the Opinion of *Grotius de Jure Belli & Pacis, lib. 2. cap. 13.* who seems to make it plain, that those kind of Oaths are forbidden by our Saviour Christ, *Mat. 5. 34, 37.* and whether it would not become the Fathers of the Church, when they have well weigh'd that and other places of the *New Testament*, to be more tender in multiplying Oaths, than hitherto the great Men of the Church have been? But the B. carried the point, and an Oath was ordered by the major Vote.

The next thing in Consideration, was about the Persons that should be enjoined to take this Oath; and those were to be all such as enjoyed any beneficial Office or Employment, Ecclesiastical, Civil, or Military; and no farther went the Debate for some hours, until at last the Lord Keeper rises up, and with an eloquent Oration, desires to add *Privy Counsellors, Justices of the Peace, and Members of both Houses*; the two former particularly mentioned only to usher in the latter, which was so directly against the two previous Votes; the first of which was enroll'd amongst the standing Orders of the House, that it wanted a Man of no less assurance in his Eloquence to propose it; and he was driven hard, when he was forced to tell the House, that they were *Masters of their own Orders*, and Interpretation of them.

The next consideration at the Committee, was the Oath it self; and it was desired by the Country-Lords that it might be clearly known, whether it were meant all for an Oath, or some of it for a Declaration, and some an Oath? If the latter, then it was desired it might be distinctly parted, and that the Declaratory part should be subscribed by it self, and not sworn. There was no small pain taken by the Ld. Keeper and that Party, to prove that it was brought in; the two first parts were only a Declaration and not an Oath: And tho' it was replied, That to declare upon ones Oath, or to abhor upon ones Oath, is the same thing with, *I do swear*; yet there was some difficulty to obtain the dividing of them, and that the Declaratory part should be only subscribed, and the rest sworn to.

The

The Persons being determin'd, and this division agreed to, the next thing was the parts of the Declaration; wherein the first was, *I A. B. do declare, That it is not lawful upon any pretence whatsoever, to take up Arms against the King.* This was liable to great Objections; for it was said, it might introduce a great change of the Government, to oblige all the Men in great Truith in England, to declare that exact Boundary and Extent of the Oath of Allegiance, and enforce some things to be stated, that are much better involv'd in Generals, and peradventure are not capable of another way of Expression, without great wrong on the one side or the other. There is Law of 25 *Edw. 3.* That Arms shall not be taken up against the King, and that it is Treason to do so; and it is a very just and reasonable Law: But it is an idle Question at best, to ask whether Arms in any case can be taken up against a lawful Prince, because it necessarily brings in the Debate in every Man's mind, how there can be a distinction then left between absolute and bounded Monarchies, if Monarchs have only the fear of God, and no fear of humane Resistance to restrain them. And it was further urged, That if the chance of humane Affairs in future Ages, should give the French King a just Title and Investiture in the Crown of England, and he should avowedly own a Design by force to change the Religion, and make his Government here as Absolute as in France, by the extirpation of the Nobility, Gentry, and principal Citizens of the Protestant Party, whether in such, or like Cases, this Declaration will be a Service to the Government, as it is now establish'd: Nay, and it was further said, that they overthrow the Government that suppose to place any part of it above the fear of Man: For in our English Government, and all bounded Monarchies, where the Prince is not absolute, there every individual Subject is under the fear of the King and his People, either for breaking the Peace, or disturbing the common Interest that every Man hath in it; or if he invades the Person or Right of his Prince, he invades his whole People, who have bound up in him, and derive from him, all their Liberty, Property, and Safety: As also the Prince himself is under the fear of breaking that Golden Chain and Connixture betwixt him and his People, by making his Interest contrary to that they justly and rightly claim: And therefore neither our Ancestors, nor any other Country free like ours, whilst they preserv'd their Liberties, did ever suffer any mercenary or standing Guards to their Prince, but took care that his safety should be in Them, as theirs was in him. Tho' these were the Objections to this Head, yet they were but lightly touch'd, and not fully insisted upon, until the debate of the second Head, where the scope of the Design was open'd clearer, and more distinct to every Man's capacity.

The second was, *And that I do abhor that traiterous Position of taking Arms by his Authority against his Person.* To this was objected, That if this be meant an Explanation of the Oath of Allegiance, to leave Men without pretence to oppose where the individual Person of the King is, then it wou'd be considered, that the Position as it is here set down, is universal; and yet in most cases, the Position is not to be abhorred by honest or wise Men: For there is but one Case, and that never like to happen again, where this Position is in danger to be traiterous, which was the Case of the Long Parliament, made perpetual by the King's own Act, by which the Government was perfectly altered, and made inconsistent with it self; but it is to be supposed the Crown hath sufficient warning, and full power to prevent the falling again into that danger. But the other Cases are many, and such as may every day occur, wherein this Position is so far from traiterous, that it would prove both necessary and our duty. The famous Instance of Hen. 6. who being a soft and weak Prince, when taken Prisoner by his Cousin Edward 4. that pretended to the Crown, and the great Earl of Warwick, was carried in their Armies, gave what Orders and Commissions they pleased, and yet all those that were Loyal to him, adhered to his Wife and Son, fought in a pitched Battel against him in person, and retook him: This was directly taking up Arms by his Authority against his Person, and against those that were commission'd by him; and yet to this day no Man hath ever blam'd them, or thought but that if they had done otherwise, they had betray'd their Prince. The great Case of Charles the Sixth of France, who being of a weak and crazy Brain, yet govern'd by himself, or rather by his Wife, a Woman of passionate and heady Humour, that hated her Son the Dauphin, a vigorous and brave Prince, and passionately loved her Daughter; so that she easily (being pressed by the Victory of Henry the 5th of England) comply'd to settle the Crown of France upon him, to Marry her Daughter to him, and own his Right, contrary to the Salique Law. This was directly opposed with Arms and Force by the Dauphin, and all good French-men, even in his Father's life-time. A third instance is that of King James of blessed Memory, who when he was a Child, was seized and taken Prisoner by those, who were justly thought no Friends to his Crown or Safety; and if the case should be put, that a future King of England, of the same temper with Hen. 6. or Cha. 6. of France, should be taken Prisoner by Spaniard, Dutch, or French, whose over-growing Power should give them thoughts of vast Empire, and should, with the Person and Commission of the King invade England for a Conquest: Were it not suitable to our Loyalty to join with the Son of that King, for the defence of his Father's Crown and Dignity, even against his Person and Commission? In all these and the like Cases, it was not justified, but that the strict Letter of the Law might be otherwise construed; and when wisely considered, fit

it should be so, yet that it was not safe either for the Kingdom, or Person of the King and his Crown, that it should be in express words sworn against; for if we shall forswear all distinctions which ill Men have made ill use of, either in *Rebellion* or *Heresie*, we must extend the Oath to all particulars of Divinity and Politicks. To this the aged Bishop of *Winchester* replied, That to take up Arms in such cases, is not against, but for the Person of the King: But his Lordship was told, that he might then as well, nay much better, have left it upon the Old Oath of *Allegiance*, than made such a wide gap in his new *Declaration*.

The third and last part of the *Declaration* was, or against those that are commissioned by him. Here the mask was plainly pluck'd off, and *Arbitrary Government* appear'd bare-faced, and a standing Army to be established by Act of Parliament; for it was said by several of the Lords, That if whatever is by the King's Commission, be not opposed by the King's Authority then a standing Army is Law whenever the King pleases; and yet the King's Commission was never thought sufficient to protect, or justify any Man, where it is against his Authority, which is the Law; this allowed, alters the whole Law of England, in the most essential and fundamental parts of it, and makes the whole Law of Property to become *Arbitrary*, and without effect, whenever the King pleases.

For instance, if in Suit with a great Favourite, a Man recovers House and Lands, and by course of Law be put into possession by the Sheriff, and afterwards a Warrant is obtained by the Interest of the Person, to command some Souldiers of the standing Army to take the Possession, and deliver it back; in such a case, the Man in Possession may justify to defend himself, and killing those who shall violently endeavour to enter his House, the party whose House is invaded, takes up Arms by the King's Authority against those who are commissioned by him. And it is the same case, if the Souldiers had been commissioned to defend the House against the Sheriff, when he first endeavour'd to take the possession according to Law, neither could any Order or Commission of the King's put a stop to the Sheriff, if he had done his Duty in raising the whole force of that County to put the Law in execution; neither can the Court, from whom that Order proceeds, (if they observe their Oaths and Duty) put any stop to the execution of the Law in such a case, by any Command or Commission from the King whatsoever; nay, all the Guards and standing Forces in England, cannot be secured by any Commission from being a direct Riot, and unlawful Assembly, unless in time of open War and Rebellion. And it is not out of the way to suppose, That if any King hereafter shall contrary to the *Petition of Rights*, demand and levy Money by Privy-Seal, or otherwise, and cause Souldiers to enter and distress for such like illegal Taxes, that in such a case any Man may by Law defend his House against them; and yet this is of the same nature with the former, and against the words of the Declaration. These instances may seem somewhat rough, and not with the usual reverence towards the Crown; but they alledged, they were to be excused, when all was concerned: And without speaking thus plain, it is refused to be understood; and, however happy we are now, either in the present Prince, or those we have in prospect, yet the Suppositions are not extravagant, when we consider Kings are but Men, and compass'd with more Temptations than others; and, as the Earl of *Salisbury*, who stood like a Rock of Nobility, and English Principles, excellently replied to the Lord Keeper, who was pleas'd to term them remote Instances, that they would not hereafter prove so, when this Declaration had made the practice of them justifiable.

These Arguments enforced the Lords for the Bill to a change of this part of the Declaration, so that they agreed the 2d. and 3d. parts of it should run thus: And I do abhor that traitorous Position of taking Arms by his Authority against his Person, or against those that are commissioned by him according to Law, in time of Rebellion or War, acting in pursuance of such Commission. Which mends the matter very little; for if they mean the King's Authority, and his lawful Commission, to be two things, and such as are capable of opposition, then it is as dangerous to the Liberties of the Nation, as when it run in the former words, and we only cheated by new phrasing of it: But if they understand them to be one and the same thing, as really and truly they are, then we are only to abhor the Treason of the Position of taking Arms by the King's Authority against the King's Authority, because it is nonsense, and not practicable; and so they had done little but confess'd, that all the Clergy, and many other Persons, have been forced by former Acts of this present Parliament, to make this Declaration in other words, that now are found so far from being justifiable, that they are directly contrary to *Magna Charta*, our Properties, and the establish'd Law and Government of the Nation.

The next thing in course was, the Oath it self, against which the Objection lay so plain, and so strong at the first entrance, viz. That there was no care taken of the Doctrine, but only the Discipline of the Church. The Papists need not scruple the taking this Oath, for Episcopacy remains in its greatest lustre, though the Popish Religion was introduced; but the King's Supremacy is justled aside by this Oath, and makes better room for an Ecclesiastical one, inso-

much with this and much more, they were enforced to change their Oath, and the next day bring it in as followeth: *I do swear that I will not endeavour to alter the Protestant Religion, or the Government either of Church or State.* By this they thought they had saved all, and now began to call their Oath, *A Security for the Protestant Religion, and the only good design to prevent Popery*, if we should have a Popish Prince. But the Country-Lords wondered at their confidence in this, since they had never thought of it before, and had been but the last preceding day of the Debate by *pure Shame* compell'd to this Addition; for it was not unknown to them, that some of the *Bishops* themselves had told some of the *Roman Catholick Lords* of the House, that *care had been taken that it might be such an Oath, as might not bear upon them.* But let it be whatever they would have it, yet the Country-Lords thought the addition was unreasonable, and of as dangerous consequence as the rest of the Oath; and it was not to be wonder'd at, if the addition of the best things, wanting the Authority of an express Divine Institution, should make an Oath *not to endeavour to alter*, just so much worse by the addition. For as the Earl of *Shaftsbury* very well urg'd, that it is a far different thing to believe, or to be fully perswaded of the truth of the Doctrine of our Church; and to swear *never to endeavour to alter*; which last must be utterly unlawful, unless you place an *Infallibility* either in the Church or your Self, you being otherwise obliged to alter, whenever a clearer or better light comes to you; and he desired leave to ask, Where are the Boundaries, or where shall we find how much is meant by the *Protestant Religion*? The Lord Keeper thinking he had now got an advantage, with his usual Eloquence, desires it might not be told in *Gath*, nor publish'd in the Streets of *Askelon*, That a Lord of so great Parts and Eminence, and professing himself for the Church of *England*, should not know what is meant by the *Protestant Religion*. This was seconded with great pleasantness by divers of the Lords the Bishops; but the Bishop of *Winchester*, and some others of them, were pleas'd to condescend to instruct that Lord, that the Protestant Religion was comprehended in 39 Articles, the *Liturgy*, the *Catechism*, the *Homilies*, and the *Canons*. To this the Earl of *Shaftsbury* replied, That he begg'd so much Charity of them to believe, that he knew the Protestant Religion so well, and was so confirm'd in it, that he hoped he should *burn* for the Witness of it, if Providence should call him to it: But he might perhaps think some things *not necessary*, that they accounted *essential*; nay, he might think some things *not true*, or agreeable to the Scripture, that they might call *Doctrines of the Church*: Besides, when he was to swear *never to endeavour to alter*, it was certainly necessary to know *how far the just extent of this Oath was*; but since they had told him that the Protestant Religion was in those five *Traçs*, he had still to ask, Whether they meant those whole *Traçs* were the Protestant Religion, or only that the Protestant Religion was contained in all those, but that every part of these was not the Protestant Religion? If they meant the former of these, then he was extremely in the dark, to find the Doctrine of *Predestination*, in the 18 and 17 *Art.* to be owned by so few great Doctors of the Church, and to find the 19 *Art.* to define the Church directly as the *Independants* do: Besides the 20 *Art.* stating the Authority of the Church, is very dark; and either contradicts it self, or says nothing, or what is contrary to the known Laws of the Land; besides several other things in the 39 Articles, have been preached and writ against by men of great Favour, Power and Preferment, in the Church. He humbly conceived the *Liturgy* was not so sacred, being made by men the other day, and thought to be more differing from the dissenting *Protestants*, and less easie to be complied with, upon the advantage of a pretence well known unto us all, of making *Alterations* as might the better *unite* us; instead whereof, there is scarce one alteration but *widens* the breach, and no Ordination allow'd by it here, (as it now stands last reformed in the *Act of Uniformity*) but what is *Episcopal*; inasmuch that a *Popish Priest* is capable, when Converted, of any Church-Preferment without Re-ordination; but no *Protestant Minister* not *Episcopally* ordain'd, but is requir'd to be re-ordained; as much as in us lies *unburching* all the foreign *Protestants* that have not Bishops, though the contrary was both allow'd and practis'd from the beginning of the Reformation, till the time of that *Act*, and several Bishops made of such as were never ordain'd Priests by Bishops. Moreover, the *Uncharitableness* of it was so much against the Interest of the *Crown and Church of England*, (casting off the Dependancy of the whole Protestant Party abroad) that it would have been *bought* by the *Pope*, and *French King*, at a vast sum of Money; and it is difficult to conceive so great an advantage fell to them meerly by chance, and without their help; so that ne thought, to endeavour to alter, and restore the *Liturgy* to what it was in Queen *Elizabeth's* days, might consist with his being a very good Protestant.

As to the *Catechism*, he really thought it might be mended, and durst declare to them, it was not well that there was not a better made.

For the *Homilies*, he thought there might be a better Book made; and the 3 *Hom.* of *Repairing and keeping clean of Churches*, might be omitted.

What

What is yet stranger than all this, the *Canons* of our Church are directly the *old Popish Canons*, which are still in force, and no other; which will appear, if you turn to the *State 25 Hen. 8. cap. 19* confirmed and revived by 1 *Eliz.* where all those *Canons* are establish'd, until an alteration should be made by the King in pursuance of that Act: which thing was attempted by *Edward the Sixth*, but not perfected, and let alone ever since, for what Reasons the Lords the Bishops could best tell; and it was very hard to be oblig'd by Oath *not to endeavour to alter* either the *English Common-Prayer Book*, or the *Canon of the Mass*. But if they meant the latter, *That the Protestant Religion is contain'd in all those, but that every part of those is not the Protestant Religion*, then he apprehended it might be in the Bishops power to declare, *ex post facto*, what is the Protestant Religion or not, or else they must leave it to every Man to judge for himself, what parts of those Books are or are not, and then their Oath had been much better let alone. Much of this Nature was said by that Lord and others; and the great Officers and Bishops were so hard put to it, that they seem'd willing, and convinc'd to admit of an *Expedient*. The Lord *Wharton*, an old and expert Parliament-man, of eminent Piety and Abilities, beside a great Friend to the Protestant Religion, and Interest of *England*, offer'd, as a Cure to the whole Oath, and what might make it pass in all the three parts of it, without any further Debate, the addition of these words at the latter end of the Oath, *viz. As the same is, or shall be establish'd, by Act of Parliament*; but this was not endured at all, when the Lord *Grey of Rolston*, a worthy and true *English Lord*, offer'd another *Expedient*, which was the addition of these words, *by force or fraud*, to the beginning of the Oath and then it would run thus, *I do swear, not to endeavour by force or fraud to alter*; this was also a Cure that would have pass'd the whole Oath, and seem'd as if it would have carried the whole House, the Duke of *York*, and Bishop of *Rochester*, both seconding it; but the Lord Treasurer, who had privately before consented to it, speaking against it, gave the word and sign to that party, and it being put to the Question, the major Vote answer'd all Arguments, and the *L. Grey's* proposition was laid aside.

Having thus carried the Question, relying upon their strength of Votes, taking advantage that those Expedients that had been offer'd, extended to the whole Oath, though but one of the three Clauses in the Oath had been debated, the other two not mentioned at all; they attempted strongly at Nine of the Clock at Night to have the whole Oath put to the Question; and though it was resolutely oppos'd by the Lord *Mohun*, a Lord of great courage and resolution in the publick Interest, and one whole own personal merits, as well as his Fathers, gave him a just Title to the best favours of the Court; yet they were not diverted but by as great a disorder as ever was seen in that House, proceeding from the rage those unreasonable proceedings had caus'd in the Country Lords, they standing up in a lump together, and crying out with so loud a continued Voice, *Adjourn*, that when silence was obtain'd, Fear did what Reason could not do, cause the Question to be put only upon the first Clause concerning *Protestant Religion*, to which the Bishops desired might be added, *as it is now Establish'd*; and one of the eminentest of those that were for the Bill, added the words *by Law*; so that, as it was pass'd, it ran, *I A. B. do swear, that I will not endeavour to alter the Protestant Religion now by Law establish'd in the Church of England*. And here observe, the word *by Law*, do directly take in the *Canons*, though the Bishops had never mentioned them. And now comes the consideration of the latter part of the Oath, which comprehends these two Clauses, *viz. Nor the Government either in Church or State*, wherein the Church came first to be consider'd: And it was objected by the Lords against the Bill, that it was *not agreeable to the King's Crown and Dignity, to have his Subjects sworn to the Government of the Church equally as to Himself*: That for the Kings of *England* to swear to maintain the Church, was a different thing from enjoying all his Officers, and both his Houses of Parliament to swear to them. It would be well understood, before the Bill pass'd, what the *Government of the Church* (we are to swear to) is, and what the *Boundaries* of it, whether it derives no Power nor Authority, nor the exercise of any Power, Authority, or Function, but from the King, *as Head of the Church*, and from God, as through him, as all his other Officers do.

For no Church or Religion can justify it self to the Government, but the *State Religion*, that owns an entire dependency on, and is but a branch of it; or the *Independent Congregations*, whilst they claim no other power, but the Exclusion of their own Members from their particular Communion, and endeavour not to set up a Kingdom of Christ to their own use in this World, whilst our Saviour hath told us, that his Kingdom is not of it; for otherwise there would be *Imperium in Imperio*, and two distinct Supream Powers inconsistent with each other, in the same place, and over the same persons. The Bishops alledged, that *Priesthood* and the power thereof, and the *Authorities* belonging thereunto, were deriv'd immediately from Christ, but that the *License of exercising that Authority and Power* in any Country is deriv'd from the *Civil Magistrate*: To which was reply'd, that it was a dangerous thing, to secure by Oath and Act of Parliament, those in the exercise of an Authority and Power in the King's Country, and over his Subjects, which being received from Christ himself, cannot be altered, or limited

ed by the King's Laws; and that this was directly to set the Mitre above the Crown. And it was farther offered, that this Oath was the greatest attempt that had been made against the King's Supremacy since the Reformation; for the King in Parliament may alter, diminish, enlarge, or take away any Bishoprick: He may take any part of a Diocese, or a whole Diocese, and put them under Deans, or other Persons; for if this be not Lawful, but that Episcopacy should be *Jure Divino*, the maintaining the Government as it is now, is unlawful, since the Deans of Hereford and Salisbury have very large Tracts under their Jurisdiction, and several Parsons of Parishes have Episcopal Jurisdiction; so that at best, that Government wants alteration, that is so imperfectly settled. The Bishop of Winchester affirmed in this Debate several times, that there was no Christian Church before Calvin that had not Bishops; to which he was answered, that the *Albigenses*, a very numerous People, and the only visible known Church of true Believers, of some Ages, had no Bishops. It is very true, what the Bishop of Winchester reply'd, that they had some amongst them, who alone had power to ordain, but that was only to commit that power to the Wissest, and Gravest Men amongst them, and to secure ill and unfit Men from being admitted into the Ministry; but they exercis'd no Jurisdiction over the others. And it was said by divers of the Lords, that they thought Episcopal Government best for the Church, and most suitable for the Monarchy; but they must say, with the Lord of Southampton, upon the occasion of this Oath in the Parliament of Oxford, *I will not be sworn not to take away Episcopacy*; there being nothing, that is not of Divine Precept, but such circumstances may come in humane Affairs, as may render it not eligible by the best of Men. And it was also said, that if *Episcopacy be to be received as by Divine Precept, the King's Supremacy is overthrown*; and so is also the Opinion of the Parliaments both in Edward the Sixth, and Queen Elizabeth's time, and the Constitution of our Church ought to be altered, as hath been shew'd. But the Church of Rome it self hath contradicted that Opinion, when she hath made such vast Tracts of Ground, and great numbers of Men exempt from Episcopal Jurisdiction. The Lord Wharton, upon the Bishops claim to a Divine Right, asked a very hard Question, *viz. Whether they then did not claim withal, a power of Excommunicating their Prince?* which they evading to answer, and being press'd by some other Lords, said, they never had don'e it. Upon which the Lord Halifax told them, that that might well be; for since the Reformation, they had hitherto had too great a dependance on the Crown to venture on that, or any other offence to it: And so the Debate pass'd on to the third Clause, which had the same exceptions against it with the two former, of being unbounded, how far any Man might meddle, and how far not, and is of that extent, that it overthrew all Parliaments, and left them capable of nothing but giving Money. For what is the business of Parliaments, but the alteration, either by adding, or taking away some part of the Government, either in Church or State? And every new Act of Parliament is an alteration; and what kind of Government in Church and State must that be, which I must swear upon no alteration of Time, emergency of Affairs, nor variation of humane Things, never to endeavour to alter? Would it not be requisite that such a Government should be given by God himself, and that with all the Ceremony of Thunder and Lightning, and visible appearance to the whole People, which God vouchsafed to the Children of Israel at Mount Sinai? And yet you shall no where read that they were sworn to it by an Oath like this; nay, on the contrary, the Princes and the Rulers, even those recorded for the best of them, did make several variations. The Lord Stafford, a Noble-man of great Honour and Candour, but who had been all along for the Bill, yet was so far convinced with the Debate, that he freely declared, there ought to be an addition to the Oath, for preserving the freedom of Debates in Parliament. This was strongly urged by the never to be forgotten Earl of Bridgewater, who gave reputation and strength to this Cause of England, as did also those worthy Earls, Denbigh, Clarendon, and Aylisbury, Men of great Worth and Honour. To salve all that was said by these and the other Lords, the Lord Keeper and the Bishops urged, that there was a Proviso, which fully preserved the Privileges of Parliament; and upon farther enquiry, there appearing no such, but only a previous Vote, as is before mention'd, they allow'd that that previous Vote should be drawn into a Proviso, and added to the Bill, and then in their Opinion, the Exception to the Oath for this cause was perfectly removed; but on the other side it was offered, that a positive absolute Oath being taken, a Proviso in the Act could not dispense with it, without some reference in the Body of the Oath unto that Proviso; but this also was utterly denied, until the next day, the Debate going on upon other matters, the Lord Treasurer, whose Authority easily obtained with the major Vote, reassum'd what was mentioned in the Debates of the preceding days, and allow'd a reference to the Proviso, so that it then pass'd in these words, *I A. B. do swear, that I will not endeavour to alter the Protestant Religion now by Law Establish'd in the Church of England, nor the Government of this Kingdom in Church or State, as it is now by Law Establish'd; and I do take this Oath according to the meaning of this Act, and the Proviso contain'd in the same. So help me God.*

There

There was a passage of the very greatest Observation in the whole Debate, and which with most clearness shew'd what the great Men and Bishops aimed at, and should in Order have come in before, but that it deserved so particular a consideration, that I thought best to place it here by itself; which was, that upon passing of the Proviso for preserving the Rights and Privileges of Parliaments made out of the Previous Votes, it was excellently observ'd by the Earl of *Bullingbrook*, a Man of great Ability and Learning in the Laws of the Land, and perfectly stedfast in all good *English* Principles, that *tho' that Proviso did preserve the freedom of Debates and Votes in Parliament, yet the Oath remain'd, notwithstanding that Proviso*, upon all Men, that shall take it as a prohibition, either by Speech, or Writing, or Address, to endeavour any alteration in Religion, Church, or State; nay, also upon the *Members of both Houses* otherwise than as they speak and vote in open Parliaments or Committees: For this Oath takes away all *private Converse* upon any such Affairs even one with another. This was seconded by the Lord *De la Mere*, whose Name is well known, as also his Worth, Piety, and Learning; I should mention his Merits too, but I know not whether that be lawful, they lying yet unrewarded. The Lord *Shaftsbury* presently drew up some words for preserving the same Rights, Privileges, and Freedoms, which Men now enjoy by the Law established, that so by a side-wind we may not be deprived of the great Liberty we enjoy as *English-men*, and desired those words might be inserted in that Proviso before it pass. This was seconded by many of the formentioned Lords, and press'd upon those terms, that they desired not to countenance, or make in the least degree any thing lawful, that was not already so, but that they may not be deprived by this dark way of proceeding of that Liberty was necessary to them as Men, and without which Parliaments would be rendred useless. Upon this all the great Officers shew'd themselves; nay, the Duke of *Lauderdale* himself, tho' under the load of two Addressies, opened his Mouth, and together with the Lord Keeper, and the Lord Treasurer, told the Committee in plain terms, that they intended, and design'd to prevent Caballing, and Conspiracies against the Government; that they knew no Reason why any of the King's Officers should consult with Parliament Men about Parliament business, and particularly mention'd those of the Army, Treasury, and Navy; and when it was objected to them, that the greatest part of the most knowing Gentry were either Justices of the Peace, or of the Militia, and that this took away all converse, or discourse of any alteration, which was in truth of any business in Parliament, and that the Officers of the Navy and Treasury might be best able to advise what should be fit in many cases; and that withal none of their Lordships did offer any thing to salve the inconvenience of Parliament Men being deprived of discoursing one with another, upon the matters that were before them. Besides it must be again remembred, that nothing was herein desired to be countenanced, or made lawful, but to preserve that that is already Law, and avowedly justified by it; for without this addition to the Proviso, the Oath rendred Parliaments but a *Snare*, not a *Security*, to the People: Yet to all this was answered, sometimes with Passion and high Words, sometimes with Jests and Raillery, (the best they had) and at the last the major Vote answered all Objections, and laid aside the addition tendered.

There was another thing before the finishing of the Oath, which I shall here also mention, which was an *Additional Oath* tendred by the Marquess of *Winchester*, who ought to have been mentioned in the first and chiefest place, for his conduct and support in the whole Debate, being an expert Parliament Man, and one whose Quality, Parts, and Fortune, and owning of good Principles, concur to give him one of the greatest places in the esteem of good Men. The *Additional Oath* tendred, was as followeth: *I do swear, that I will never by Threats, Injunctions, Promises, Advantages, or Invitation, by or from any person whatsoever, nor from the hopes or prospect of any Gift, Place, Office, or Benefit whatsoever, give my Vote other than according to my Opinion and Conscience, as I shall be truly and really perswaded upon the Debate of any business in Parliament. So help me God.*

This Oath was offer'd upon the occasion of swearing Members of Parliament; and upon this score only, that if any new Oath was thought fit (which that Noble Lord declared his own Judgment perfectly against) this certainly was (all considerations and circumstances taken in) most necessary to be a part, and the nature of it was not so strange, if they considered the *Judges* Oath, which was not much different from this. To this the Lord Keeper seem'd very averse, and declared in a very fine Speech, that it was an *Useless Oath*; for all Gifts, Places, and Offices, were likeliest to come from the King, and no Member of Parliament in either House could do too much for the King, or be too much of his side; and that Men might lawfully, and worthily have in their Prospect such Offices or Benefits from him. With this the Lords against the Bill were in no terms satisfied, but plainly spoke out, *That Men had been, might, and were likely to be, in either House, too much for the King, as they call'd it*; and that whoever did endeavour to give more Power to the King than the Law and Constitution of the Government had given, especially if it tended to the introducing an *Absolute and Arbitrary Government*, might justly be said to do too much for the King; and to be cor-

rupted in his judgment by the prospect of Advantages and Rewards; though, when it is considered that every deviation of the Crown towards Absolute Power, lessens the King in the love and affection of his People, making him become less their Interest, a wise Prince will not think it a Service done him.

And now remains only the last part of the Bill, which is the Penalty, different according to the qualifications of the Persons. *All that are, or shall be Privy-Counsellors, Justices of the Peace, or possessors of any beneficial Office, Ecclesiastical, Civil, or Military, are to take the Oath when summoned, upon pain of 500 l. and being made incapable of bearing Office; the Members of both Houses are not made incapable, but liable to the Penalty of 500 l. if they take it not.* Upon all which the considerations of the Debate were, That those Officers and Members of both Houses, are, of all the Nation, the most dangerous to be sworn into a mistake, or change of the Government; and that, as to the Members of both Houses, the Penalty of 500 l. was directly against the latter of the two Previous Votes; and although they had not applied the Penalty of Incapacity unto the Members of both Houses, because of the first Previous Vote in the Case of the Lords, neither durst they admit of a Proposition made by some of themselves, *that those that did not come up, and sit as Members, should be liable to the taking the Oath, or Penalty, until they did so:* Yet their Ends were not to be compassed without invading the latter Previous Vote, and contrary to the Rights and Privileges of Parliament, enforce them to swear, or pay 500 l. every Parliament; and this they carried through with so strong a Resolution, that having experienced their misfortunes in replies for several hours, not one of the party could be provoked to speak one word. Tho', besides the former Arguments, it was strongly urged, that this Oath ought to be put upon Officers with a heavier Penalty than the *Test* was in the Act of the immediate preceding Session against the *Papists*, by which any Man might sit down with the loss of his Office, without being in the danger of the penalty of 500 l. And also that this Act had a direct retrospect (which ought never to be in Penal Laws) for this Act punishes Men for having an Office without taking this Oath, which Office, before this Law pass, they may now lawfully enjoy without it. Yet notwithstanding it provides not a power, in many Cases, for them to part with it, before this Oath overtake them; for the clause, *whoever is in Office the 1. of September*, will not relieve a Justice of the Peace, who, being once Sworn, is not in his own power to be left out of Commission; and so might be instanced in several other cases, as also the Members of the House of Commons were not in their own power to be unchosen; and as to the Lords, they were subjected by it to the meanest condition of Mankind, if they could not enjoy their Birth-right, without playing Tricks suitable to the Humour of every Age, and be enforced to swear to every fancy of the present times. Three years ago it was *All Liberty and Indulgence*, and now it is *Strict and Rigid Conformity*; and what it may be in some short time hereafter, without the Spirit of Prophecy might be shrewdly guess'd by a considering Man. This being answered with silence, the Duke of Buckingham, whose Quality, admirable Wit, and unusual Pains that he took all along in the Debate against this Bill, makes me mention him in this last place, as General of the Party, and coming last out of the Field, made a Speech late at Night of Eloquent and well-placed Non-sense, shewing how excellently well he could do both ways, and hoping that might do, when Sense (which he often before used with the highest advantage of Wit and Reason) would not; but the Earl of W. readily apprehending the Dialect, in a short reply put an end to the Debate, and the major Vote *ultima ratio Senatum, & Conciliorum*, carried the Question as the Court and Bishops would have it.

This was the *last Act* of this Tragi-Comedy, which had taken up sixteen or seventeen whole days debate, the House sitting many times till Eight or Nine of the Clock at Night, and sometimes till Midnight; but the business of *Privilege* between the two Houses gave such an interruption, that this Bill was never reported from the Committee to the House.

I have mention'd to you divers Lords, that were Speakers, as it fell in the Debate, but I have not distributed the Arguments of the Debate to every particular Lord. Now you know the Speakers, your curiosity may be satisfied, and the Lords I am sure will not quarrel about the Division. I must not forget to mention those great Lords, *Bedford, Devonshire, and Burlington*, for the countenance and support they gave to the *English Interest*. The Earl of *Bedford* was so brave in it, that he joyn'd in three of the *Protests*; so also did the Earl of *Dorset*, and the Earl of *Stamford*, a Young Noble-Man of great hopes; the Lord *Eure*, the Lord *Viscount Say and Seal*, and the Lord *Payitt* in two; the Lord *Audley* and the Lord *Fitzwater* in the third; and the Lord *Peter*, a Noble-man of great Estate, and always true to the maintenance of Liberty and Property in the first. And I should not have omitted the Earl of *Dorset*, Lord *Audley*, and the Lord *Peter* amongst the Speakers: For I will assure you they did their parts excellently well. The Lord *Viscount Hereford* was a steady Man among the Country Lords; so also was the Lord *Townsend*, a Man justly of great Esteem and Power in his own Country, and amongst all those that well know him.

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The Earl of *Carleton* ought not to be mention'd in the last place, for he came out of the Country on purpose to oppose the Bill, stuck very fast to the Country Party, and spoke many excellent things against it. I dare not mention the *Roman Catholick* Lords, and some others, for fear I hurt them; but thus much I shall say of the *Roman Catholick* Peers, that if they were safe in their Estates, and yet kept out of Office, their Votes in that House would not be the most unsafe to *England* of any sort of Men in it. As for the absent Lords, the Earl of *Rutland*, Lord *Sandys*, Lord *Herbert* of *Cherbury*, Lord *North*, and Lord *Crew*, ought to be mention'd with Honour, having taken care their Votes should maintain their own Interest and Opinions.

Thus, Sir, you see the Standard of the *new Party* is not yet set up, but must be the work of another Session, tho' it be admirable to me, how the *King* can be induced to venture his Affairs upon such *weak Counsels*, and of *so fatal Consequences*; for I believe it is the first time in the World, that ever it was thought adviseable, after fifteen years of the highest Peace, Quiet, and Obedience, that ever was in any Country, that there should be a *pretence* taken up, and a reviving of former miscarriages, especially after so many Promises and Declarations, as well as Acts of Oblivion, and so much merit of the Offending Party, in being the Instruments of the King's Happy Return, besides the putting to vast a number of the King's Subjects in utter despair of having their Crimes ever forgotten; and it must be a great mistake in Counsels, or worse, that there should be so much pains taken by the Court to debase and bring low the House of Peers, if a *Military Government* be not intended by some. For the Power of *Peerage* and a *standing-Army*, are like two Buckets, the proportion that one goes down, the other exactly goes up; and I refer you to the consideration of all the Histories of ours, or any of our Neighbour Northern Monarchies, whether standing Forces, Military, and Arbitrary Government came not plainly in by the same steps, that the Nobility were lessened; and whether whenever they were in Power and Greatness, they permitted the least shadow of any of them: Our own Country is a clear instance of it; for tho' the *White Rose* and the *Red* chang'd Fortunes often, to the Ruine, Slaughter, and Beheading of the Great Men of the other side; yet nothing could enforce them to secure themselves by a standing Force. But I cannot believe that the King himself will ever design any such thing; for he is not of a temper Robust and Laborious enough to deal with such a sort of Men, or reap the Advantages, if there be any, of such a Government; and I think, he can hardly have forgot the treatment his *Father* received from the Officers of his Army, both at *Oxford* and *Newark*; 'twas an hard, but almost an even choice, to be the Parliament's Prisoner, or their Slave; but I am sure the greatest prosperity of his Arms could have brought him to no happier condition, than our King his Son hath before him whenever he please. However, this may be said for the Honour of this Session, that there is no Prince in Christendom hath at a greater expence of Money, maintained for two Months space, a nobler, or more useful Dispute of the Politiques, Mystery, and Secrets of Government, both in Church and State, than this hath been; of which Noble Design no part is owing to any of the Country Lords, for they several of them begg'd at the first entrance into the Debate, that they might not be engaged in such Disputes, as would unavoidably produce divers things to be said, which they were willing to let alone. But I must bear them witness, and so will you, having read this, that they did their parts in it, when it came to it, and spoke plain like *Old English* Lords.

I shall conclude with that, upon the whole matter, is most worthy your consideration, That the Design is to declare us first into another Government more Absolute and Arbitrary than the Oath of Allegiance or old Law knew, and then make us swear unto it, as it is so established: And less than this the Bishops could not offer in requital to the Crown for parting with its Supremacy, and suffering them to be sworn to equal with it self. Arch-Bishop *Laud* was the first Founder of this Device; in his Canons of 1640. you shall find an Oath very like this, and a Declaratory Canon preceding, That Monarchy is of Divine Right, which was also affirmed in this Debate by our Reverend Prelates, and is owned in Print by no less Men than a Bishop *Usher*, and Bishop *Sanderfon*; and I am afraid it is the avow'd Opinion of much the greater part of our dignified Clergy; and I am sure it is the most dangerous sort of Opinion alive to our *English* Government, and it is the first thing ought to be lookt into, and strictly examin'd by our Parliaments, 'tis the leaven that corrupts the whole lump; for if that be true, I am sure Monarchy is not to be bounded by humane Laws; and the 8 chap. of 1 *Samuel*, will prove (as many of our Divines will have it) the great Charter of the Royal Prerogative; and our *Magna Charta*, that says, Our Kings may not take our Fields, our Vineyards, our Corr, and our Sheep, is not in force, but void and null, because against Divine Institution; and you have the Riddle out, why some of the Clergy are so ready to take themselves, and impose upon others, such kind of Oaths as these; they have placed themselves and their Possessions upon a better, and a surer bottom (as they

they think) than *Magna Charta*, and so have no more need of, or concern for it: Nay, what is worse, they have truckt away the Rights and Liberties of the People in this, and all other Countries where-ever they have had Opportunity, that they might be owned by the Prince to be *Jure Divino*, and maintain'd in that Pretention by that Absolute Power and Force they have contributed so much to put into his hands; and that *Priest* and *Prince* may, like *Castor* and *Pollux*, be worshipt together as Divine, in the same Temple, by us poor Lay-Subjects; and that *Sense* and *Reason*, *Law*, *Properties*, *Rights*, and *Liberties*, shall be understood as the Oracles of those Deities shall interpret or give signification to them, and ne'r be made use of in the World to oppose the Absolute and Free-will of either of them.

Sir, I have no more to say, but beg your Pardon for this tedious Trouble, and that you will be very careful to whom you Communicate any of this.

Two Speeches.

I. The Earl of *Shaftsbury's* Speech in the *House of Lords*, the 20th of *October*, 1675.

II. The Duke of *Buckingham's* Speech in the *House of Lords*, the 16th of *November*, 1675.

Together with the Protestation and Reasons of several Lords for the Dissolution of this Parliament; entred in the Lords Journal the day the Parliament was Prorogued, *Nov. 22. 1675. First Printed Anno Dom. 1675.*

The Earl of Shaftsbury's Speech in the House of Lords, upon the Debate of appointing a Day for the hearing Dr. Shirley's Cause, the 20th of October, 1675.

My LORDS,

OUR All is at Stake, and therefore you must give me leave to speak freely before we part with it. My Lord Bishop of *Salisbury* is of Opinion, *That we should rather appoint a day to consider what to do upon the Petition, than to appoint a day of Hearing*; and my Lord Keeper, for I may name them at a Committee of the whole House, tells us in very eloquent and studied Language, *That he will propose us a way far less liable to exception, and much less offensive and injurious to our own Privileges, than that of appointing a day of Hearing.* And I beseech your Lordships, Did not you after all these fine Words expect some admirable Proposal? but it ended in this: *That your Lordships should appoint a day, say a very long day, to consider what you would do in it:* And my Lord hath undertaken to convince you, That this is your only Course by several undeniable Reasons; the first of which is, *That 'tis against your Judicature to have this Cause, which is not proper before us, nor ought to be relieved by us.* To this, my Lords, give me leave to answer, That I did not expect from a Man professing the Law, that after an Answer by order of the Court was put in, and a day had been appointed for Hearing, which by some accident was set aside; and the Plaintiff moving for a second day to be assigned, that ever without hearing Council on both sides, the Court did enter into the Merits of the Cause. And if your Lordships should do it here in a Cause attended with the Circumstances this is, it would not only be an apparent Injustice, but a plain Subterfuge to avoid a point you durst not maintain.

But my Lords second Reason speaks the matter more clearly, for that is, *Because 'tis a doubtful case, whether the Commons have not Privilege*; and therefore my Lord would have you, *To appoint a further, and a very long day to consider of it*, which in plain English is, That your Lordships should confess upon your Books, That you conceive it on second Thoughts a doubtful Case; for so your *Appointing a day to consider*, will do; and that for no other reason, but because my Lord Keeper thinks it so; which I hope will not be a Reason to prevail with your Lordships, since we cannot yet by experience, tell that his Lordship is capable of thinking your Lordships in the right, in any matter against the *Judgment of the House of Commons*; 'tis so hard a thing even for the ablest of Men to change ill Habits.

But my Lords third Reason, is the most admirable of all, which he styles *unanswerable*, viz. *That your Lordships are all convinced in your Conscience, that this (if prosecuted) will cause a breach.* I beseech your Lordships, consider whether this Argument thus applied, would not overthrow the Law of Nature, and all the Laws of Right and Property in the World: For 'tis an Argument, and a very good one, that you should not stand or insist on Claims, where you have not a clear Right, or where the Question is not of Consequence and Moment, in a matter that may produce a dangerous, pernicious Breach between Relations, Persons, or Bodies Politick, join'd in Interest, and high Concerns together. So on the other hand, if the Obstinacy of the

party in the wrong, shall be made an unanswerable Argument for the other Party to recede and give up his just Rights. How long shall the People keep their Liberties, or the Princes or Governors of the World their Prerogatives! How long shall the Husband maintain his Dominion, or any Man his Property, from his Friend, or his Neighbor's Obstinacy? But, my Lords, when I hear my *Lord Keeper* open so eloquently the fatal Consequences of a Breach, I cannot forbear to fall into some admiration how it comes to pass that (if the Consequences be so fatal) the King's Ministers in the House of Commons, of which there are several that are of the Cabinet, and have daily resort to his Majesty, and have the Direction and Trust of his Affairs; I say, that none of these should press these consequences there, or give the least stop to the career of that House in this business; but that all the Votes concerning this Affair, nay even that very Vote, *That no Appeal from any Court of Equity, is cognizable by the House of Lords*, should pass *nemine contradicente*. And yet all the great Ministers with us here, the Bishops and other Lords of greatest dependance on the Court, contend this point, as if it were *pro Aris & Focis*. I hear his Majesty in Scotland hath been pleased to declare against Appeals in Parliament; I cannot much blame the Court, if they think the Lord Keeper and the Judges, being of the King's naming, and in his power to change, that the Justice of the Nation is safe enough; and I, my Lords, may think so too, during this King's time, though I hear Scotland, not without reason, complain already: Yet how future Princes may use this Power, and how Judges may be made not Men of Ability, or Integrity, but Men of Relation and Dependance, and who will do what they are commanded; and all Mens Causes come to be judged, and Estates disposed on, as Great Men at Court please.

My Lords, the Constitution of our Government hath provided better for us; and I can never believe so wise a Body as the House of Commons, will prove that foolish Woman which plucks down her House with her hands.

My Lords, I must presume in the next place to say something to what was offered by my Lord Bishop of Salisbury, a Man of great Learning and Abilities, and always versed in a stronger and closer way of Reasoning, than the Business of that Noble Lord I answered before did accustom him to; and that Reverend Prelate hath stated the Matter very fair upon two Heads.

The first, *Whether the hearing of Causes and Appeals, and especially in this point, where the Members have Privilege, be so material to us, that it ought not to give way to the Reason of State, of greater Affairs that pressed us at that time.*

The second was, *If this Business be of that Moment, yet whether the appointing a day to consider of this Petition, would prove of that consequence and prejudice to your Cause?*

My Lords, to these, give me leave in the first place to say, That this matter is no less than your whole Judicature, and your Judicature is the Life and Soul of the Dignity of the Peerage of England; you will quickly grow burdensome, if you grow useless: You have now the greatest and most useful end of Parliaments principally in you, which is not to make new Laws, but to redress Grievances, and to maintain the old Land-Marks. The House of Commons business is to complain, your Lordships to redress, not only the complaints from them that are the Eyes of the Nation, but all other particular persons that address to you. A Land may groan under a multitude of Laws, and I believe ours does; and when Laws grow so multiplied, they prove oftner Snares than Directions and Security to the people. I look upon it as the Ignorance and Weakness of the latter Age, if not worse, the effect of the Designs of ill Men, that it is grown a general Opinion, that where there is not a particular Direction in some Act of Parliament, the Law is defective; as if the Common Law had not provided much better, shorter, and plainer, for the Peace and Quiet of the Nation, than intricate, long, perplexed Statutes do, which has made Work for the Lawyers, given power to the Judges, lessend your Lordships Power, and in a good measure unhinged the Security of the People.

My Lord Bishop tells us, *That your whole Judicature is not in question, but only the Privilege of the House of Commons, of their Members not appearing at your Bar*: My Lords, were it no more, yet that for Justice and the Peoples sake you ought to part with: How far a Privilege of the House of Commons, their Servants, and those they own, doth extend, Westminster-Hall may with grief tell your Lordships. And the same Privilege of their Members being not sued, must be allowed by your Lordships as well; and what a failer of Justice this would prove, whilst they are Lords for Life, and you for Inheritance, let the World judge; for my part I am willing to come to Conference whenever the Dispute shall begin again, and dare undertake to your Lordships, That they have neither Precedent, Reason, nor any justifiable pretence to shew against us; and therefore, my Lords, if you part with this undoubted Right meerly for asking, where will the asking stop? And, my Lords, we are sure it doth not stop here, for they have already, *nemine contradicente*, voted against your Lordships Power of Appeals from any Court of Equity: So that you may plainly see where this Caution and Reason of State means to stop; not one jot short of laying your whole Judicature aside, for the same Reason of passing the King's Money of not interrupting good Laws, or whatever else must of necessity avoid all Breach upon what score soever: And your Lordships plainly see the Breach will be as well made upon your Judicature in general, as upon this; so that when your Lordships have appointed a day, a very long day, for to consider whether Dr. Shipley's Cause be not

not too hot to handle. And when you have done the same for Sir Nicholas Stauton, whose Petition I hear is coming in, your Lordships must proceed to a Vote to lay all private business aside for six Weeks; for that Phrase of private business, hath obtained upon this last Age, upon that which is your most publick Duty and Business, namely, the Administration of Justice. And I can tell your Lordships, besides the Reason that leads to it, that I have some intelligence of the designing such a Vote: For on the second day of your sitting, at the rising of the Lord's House, there came a Gentleman into the Lobby, belonging to a very great Person, that ask'd in very great haste, *Are the Lords up? have they passed the Vote?* And being ask'd, *What Vote?* He answer'd, *The Vote of no private Business for six Weeks.*

My Lords, if this be your Business, see where you are, if we are to postpone our Judicature, for fear of offending the *House of Commons* for six Weeks, that they in the interim may pass the Money, and other acceptable Bills that his Majesty thinks of Importance: Are so many wise Men in the *House of Commons* to be laid asleep, and to pass all these acceptable things; and when they have done, to let us to be let loose upon them?

Will they not remember this next time there is want of Money? Or may not they rather be assured by those Ministers that are amongst them, and go on so unanimously with them, that the King is on their side in this Controversie? And when the publick Businesses are over, our time shall be too short to make a Breach, or vindicate our selves in the matter. And then I beg your Lordships, where are you after you have asserted but the last Session your Right of Judicature so highly, even in this point, and after the House of Commons had gone so high against you on the other hand, as to Post up their Declaration and Remonstrances on *Westminster-Hall* doors, the very next Session after you postpone the very same Causes; and not only those, but all Judicatures whatsoever? I beseech your Lordships, will not this prove a fatal Precedent and Confession against your selves? 'Tis a Maxim, and a rational one amongst the Lawyers, *That one Precedent where the Case hath been contested, is worth a thousand where there hath been no Contest.* My Lords, in saying this, I humbly suppose I have given a sufficient Answer to my Lord Bishops second Question: *Whether the appointing a day to consider what you will do with this Petition, be of that consequence to your Rights?* For it is a plain confession, that it is a doubtful case, and that infinitely stronger than if it were a new thing to you, never heard of before: For it is the very same Case, and the very same thing desired in that Case, that you formerly ordered, and so strongly asserted; so that upon time, and all the deliberation imaginable, you declare your selves to become doubtful, and you put your selves out of your own hands, into that Power that you have no reason to believe on your side in this Question.

My Lords, I have all the Duty imaginable to his Majesty, and shall with all submission give way to any thing he should think of importance to his Affairs: But in this point it is to alter the Constitution of the Government, if you are ask'd to lay this aside; and there is no reason of State can be an Argument to your Lordships to turn your selves out of that Interest you have in the Constitution of the Government; 'tis not only your Concern that you maintain your selves in't, but 'tis the Concern of the poorest Man in England, that you keep your Station: 'Tis your Lordships Concern, and that so highly, that I will be bold to say, the King can give none of you a Requital or Recompence for it. What are empty Titles? what is present Power, or Riches, and a great Estate, wherein I have no firm nor fixed Property? 'Tis the Constitution of the Government, and maintaining it, that secures your Lordships, and every Man else, in what he hath: The poorest Lord, if the Birthright of the Peerage be maintained, has a fair prospect before him for himself or his Posterity; but the greatest Title, with the greatest present Power and Riches, is but a mean Creature, and maintains those in *Absolute Monarchies* no otherwise than by servile and low flatteries, and upon uncertain terms.

My Lords, 'tis not only your Interest, but the Interest of the Nation, that you maintain your Rights; for let the *House of Commons*, and *Gentry of England*, think what they please, there is no Prince that ever Govern'd without Nobility or an Army: If you will not have one, you must have t'other, or the Monarchy cannot long support, or keep it self from tumbling into a *Democratical Republique*. Your Lordships and the People have the same Cause, and the same Enemies. My Lords, would you be in favour with the King? 'Tis a very ill way to it, to put your selves out of a future capacity, to be considerable in his Service: I do not find in Story, or in Modern Experience, but that 'tis better; and a Man is much more regarded, that is still in a capacity and an opportunity to serve, than he that hath wholly deprived himself of all for his Prince's Service: And I therefore declare, that I will serve my Prince as a Peer, but will not destroy the Peerage to serve him.

My Lords, I have heard of twenty foolish Models and Expedients to secure the Justice of the Nation, and yet to take this Right from your Lordships, as the King by his Commission appointing *Commoners* to hear Appeals; or that the twelve Judges should be the Persons, or that Persons should be appointed by Act of Parliament, which are all not only to take away your Lordships just Right, that ought not to be altered any more than any other part of the Government, but are in themselves, when well weighed, ridiculous. I must deal freely with your Lordships, these things could never have risen in Mens minds, but that there has been some kind of provocation that has given the first rise of it: Pray, my Lords, forgive me, if on this occasion I

put you in mind of *Committee-Dinners*, and the scandal of it, those droves of Ladies that attended all Causes: 'twas come to that pass, that Men even hired or borrowed of their Friends, handſom Sisters or Daughters, to deliver their Petitions: But yet for all this, I must say, that your Judgments have been Sacred, unless in one or two Causes, and those we owe most to *that Bench*, from whence we now apprehend most danger.

There is one thing I had almost forgot to speak to, *Which is the Conjunction of time, the Hinge upon which our Reason of State turns*, and to that, my Lords, give me leave to say, if this be not a time of leisure for you to vindicate your Privileges, you must never expect one: I could almost say, that the Harmony, good Agreement, and Concord that is to be prayed for at most other times, may be fatal to us now; we owe the Peace of this last two Years, and the disengagement from the *French* Interest, to the two Houses differing from the Sense and Opinion of *Whitehall*; so at this time, the thing in the World this Nation hath most reason to apprehend, is a General Peace, which cannot now happen without very Advantageous Terms to the *French*, and Disadvantageous to the House of *Austria*. We are the King's great Counsellors, and if so, have Right to differ, and give contrary Counsels to these few are nearest about him: I fear they would advance a General Peace, I am sure I would advise against it, and hinder it at this time by all the ways imaginable. I heartily wish nothing from you may add weight and reputation to those Counsels would assist the *French*. No Money for Ships, nor Preparations you can make, nor Personal Assurances our Prince can have, can secure us from the *French*, if they are at leisure. He is grown the most Potent of us all at Sea. He has built 24 Ships this last Year, and has 30 more in number than we; besides the advantage, that our Ships are all out of Order, and his so exquisitely provided for, that every Ship has his particular Store-house. 'Tis incredible the Money he hath, and is bestowing in making of Harbors, he makes Nature it self give way to the vastness of his Expence: And after all this, shall a Prince so wise, so intent upon his Affairs, be thought to make all these preparations to sail over Land, and fall on the back of *Hungary*, and batter the Walls of *Kaminitz*? Or is it possible he should oversee his Interest in seizing of *Ireland*, a thing so feasible to him, if he be Master of the Seas, as he certainly now is; and which when attained, gives him all the *Southern, Mediterranean, East and West-India Trade*, and renders him both by Situation, and excellent Harbors, perpetual Master of the Seas without Dispute?

My Lords, to conclude this point, I fear the Court of *England* is greatly mistaken in it, and I do not wish them the reputation of the concurrence of the Kingdom: And this is out of the most sincere Loyalty to His Majesty, and love to my Nation.

My Lords, I have but one thing more to trouble you with, and that peradventure is a consideration of the greatest weight and concern, both to your Lordships, and the whole Nation. I have often seen in this House, that the Arguments, with strongest Reason, and most convincing to the Lay-Lords in General, have not had the same effect upon the Bishops Bench; but that they have unanimously gone against us in matters, that many of us have thought Essential and undoubted Rights: And I consider, that 'tis not possible, that Men of great Learning, Piety, and Reason, as their Lordships are, should not have the same care of doing right, and the same conviction what is right, upon clear Reason offered, that other your Lordships have. And therefore, my Lords, I must necessarily think, we differ in Principles; and then 'tis very easy to apprehend, what is the clearest sense to men of my Principle, may not at all persuade or affect the Conscience of the best Man of a different one. I put your Lordships the case plainly, as 'tis now before us. My Principle is, *That the King is King by Law, and by the same Law that the poor man enjoys his Cottage*; and so it becomes the concern of every Man in *England*, that has but his Liberty, to maintain and defend, to his utmost, the King in all his Rights and Prerogatives. My Principle is also, *That the Lords House, and the Judicature and Rights belonging to it, are an Essential part of the Government*, and Established by the same Law: The King governing and administering Justice by his House of Lords, and advising with both his Houses of Parliament in all important matters, is the Government I own, am born under, and am obliged to. If ever there should happen in future Ages (which God forbid) a King governing by an Army, without his Parliament, 'tis a Government I own not, am not obliged to, nor was born under. According to this Principle, every honest Man that holds it, must endeavour equally to preserve the frame of the Government, in all the parts of it, and cannot satisfy his Conscience to give up the Lords House for the Service of the Crown, or to take away the just Rights and Privileges of the House of Commons to please the Lords. But there is another Principle got into the World, my Lords, that hath not been long there, for Archbishop *Laud* was the first Author that I remember of it; and I cannot find, that the Jesuites, or indeed the Popish Clergy hath ever own'd it, but some of the Episcopal Clergy of our *British Isles*; and 'tis withal, as 'tis new, so the most dangerous destructive Doctrine to our Government and Law, that ever was. 'Tis the first of the Canons published by the Convocation, 1540. *That Monarchy is of Divine Right*. This Doctrine was then preached up, and maintained by *Sibthorp, Manwaring*, and others, and of later years, by a Book published by Dr. *Sanderſon*, Bishop of *Lincoln*, under the name of Archbishop *Usher*; and how much it is spread amongst our Dignified Clergy, is very easily known. We all agree,

That the King and his Government is to be obeyed for Conscience sake; and that the Divine Precepts require not only here, but in all parts of the World, Obedience to Lawful Governors. But that this Family are our Kings, and this particular frame of Government is our Lawful Constitution, and obliges us, is owing only to the particular Laws of our County. This *Laudean* Doctrine was the Root that produced the *Bill of Test* last Session, and some very perplexed Oaths that are of the same nature with that, and yet imposed by several Acts this Parliament.

In a word, If this Doctrine be true, our *Magna Charta* is of no use, our Laws are but Rules amongst our selves during the King's pleasure. Monarchy, if of Divine Right, cannot be bounded or limited by Humane Laws; nay, what's more, cannot bind it self, and all our Claims of Right by the Law, or Constitution of the Government, all the Jurisdiction and Privilege of this House, all the Rights and Privileges of the House of Commons, all the Properties and Liberties of the People, are to give way, not only to the Interest, but the Will and Pleasure of the Crown. And the best and worthiest of Men; holding this Principle, must Vote to deliver up all we have, not only when Reason of State, and the separate Interest of the Crown require it, but when the Will and Pleasure of the King is known, would have it so. For that must be, to a Man of that Principle, the only Rule and Measure of Right and Justice. Therefore, my Lords, you see how necessary it is, that our Principles be known; and how fatal to us all it is, that this Principle should be suffered to spread any further.

My Lords, to conclude, your Lordships have seen of what consequence this matter is to you, and that the appointing a day to consider, is no less than declaring your selves doubtful, upon second and deliberate thoughts, that you put your selves out of your own hands, into a more than a moral probability of having this Session made a Precedent against you. You see your Duty to your selves and the People; and that 'tis really not the Interest of the House of Commons, but may be the Inclination of the Court, that you lose the Power of Appeals; but I beg our House may not be *Felo de se*, but that your Lordships would take in this Affair, the only course to preserve your selves, and appoint a day, this day three weeks, for the hearing Dr. *Shirley's* Cause, which is my humble motion.

*The Duke of Buckingham's SPEECH in the House
of LORDS, November 16. 1675.*

My Lords,

THERE is a thing called *Property*, (whatever some Men may think) that the People of *England* are fondest of. It is That they will never part with, and it is That His Majesty in His Speech has promised to take particular care of. This, my Lords, in my Opinion, can never be done, without an *Indulgence* to all Protestant Dissenters.

It is certainly a very uneasy kind of Life to any Man, that has either Christian Charity, Good Nature, or Humanity, to see his fellow Subjects daily abused, divested of their Liberties and Birth-rights, and miserably thrown out of their Possessions and Free-holds, only because they cannot agree with others in some Opinions and Niceties of Religion, which their Consciences will not give them leave to consent to, and, which even by the consent of those who would impose them, are no way necessary to Salvation.

But, my Lords, besides this, and all that may be said upon it, in order to the improvement of our Trade, and the increase of the Wealth, Strength, and Greatness of this Nation (which with your leave I shall presume to discourse of at some other time) there is methinks in this Notion of *Persecution*, a very gross mistake, both as to the point of Government and Religion.

There is so as to the point of Government, because it makes every mans safety depend upon the wrong place, not upon the Government, or mans living well towards the Civil Government, established by Law; but upon his being transported with Zeal for every Opinion that's held by those that have power in the Church that's in fashion.

And I perceive it's a mistake in Religion, for that it is positively against the express Doctrine and Example of Jesus Christ: Nay, my Lords, as to our Protestant Religion, there is something yet worse; for we Protestants maintain, that none of these Opinions which Christians here differ about, are *Infallible*; and therefore in us it is somewhat an inexcusable conception, that Men ought to be deprived of their Inheritance, and all their certain conveniencies and advantages of Life, because they will not agree with us in our uncertain Opinions of Religion.

My humble Motion to your Lordships therefore is, That you will give me leave to bring in a Bill of *Indulgence* to all Dissenting Protestants. I know very well that every Peer of this Realm has a right to bring into Parliament any Bill which he conceives to be useful to this Nation. But I thought it more respectful to your Lordships to ask your leave for it before; and I cannot think that doing of it, will be any prejudice to the Bill, because I am confident, the Reason, the Prudence, and the Charitableness of it, will be able to justify it to this House, and the whole World.

Accordingly the House gave the Duke leave to bring in a Bill.

A LIST of the Lords who were present at the Vote for an Address to the King for Dissolving the Parliament, November the 20th, 1675.

For the Address.

His Royal Highness,
D. of Buckingham,
M. Winchester,
E. Marshal, E. Norwich.
E. Kent,
E. Dorset,
E. Salisbury,
E. Bridgwater,
E. Westmorland,
E. Bullingbrooke,
E. Chesterfield,
E. Stamford,
E. Peterborough,
E. Manchester,
E. Berks,
E. Mulgrave,
E. Scarisdale,
E. Sunderland,
E. Clarendon,
E. Essex,
E. Cardigan,
E. Shaftsbury,
E. Powys,
Vic. Fauconberg,
Vic. Hallifax,
Vic. Yarmouth,
Vic. Newport,
Ld. Sandys,
Ld. Morley,
Ld. Sturton,
Ld. Wharton,
Ld. Petre,
Ld. Arundel of Warder,
Ld. Lovelace,
Ld. Tenham,
Ld. Mohun,
Ld. Bellafys,
Ld. Carington,
Ld. De la Mer,
Ld. Townsend,
Ld. Grey of Rolston.

These Lords present 41
gave Proxies 7
48

Lords absent and sick that gave Proxies for this question.

E. Denbigh,
Ld. Hollis.

Other Lords absent that were for this Address.

E. Bedford,
E. Burlington,
Ld. Fitzwalter,
Ld. Ewer, *And others.*

Against the Address.

Ld. Keeper,
Ld. Treasurer,
Ld. Privy-Seal,
Ld. Great Chamberlain,
E. Northampton,
E. Bristol,
E. Bath,
E. Craven,
E. Alisbury,
E. Gilford, D. Lauderdale.
Ld. Windsor,
Ld. Pawlett,
Ld. Maynard,
Ld. Howard of Escrick,
Ld. Byron,
Ld. Lucas,
Ld. Vaughan, E. Carbery,
Ld. Gerrard,
Ld. Frechvill,
Ld. Butler, E. of Ossery.
Ld. Arundell of Trecice.

21 Lay Lords.

13 Bishops, who were all that were in the House.

These 34 Lords gave 16 Proxies.
50

The Protestation, with Reasons of several Lords for the Dissolution of this Parliament, entred in the Lords Journal, November 22. 1675. the Day the Parliament was Prorogued.

WE whose Names are underwritten, Peers of this Realm, having proposed, *That an humble Address might be made to His Majesty from this House, that he would be graciously pleased to Dissolve this Parliament: And the House* having carried it in the Negative, for the Justification of our Loyal Intentions towards His Majesty's Service, and of our true Respect and Deference to this Honourable House; and to shew that we had no sinister or indirect Ends in this our humble Proposal, Do with all Humility herein set forth the Grounds and Reasons why we were of Opinion, that the said humble Address should have been made.

1. We do humbly conceive, That it is according to the ancient Laws and Statutes of this Realm, that there should be frequent and new Parliaments, and that the practice of several years hath been accordingly.

2. It seems not reasonable, that any particular number of Men, should for many years ingross so great a Trust of the People, as to be their Representatives in the House of Commons: And all other the Gentry and the Members of Corporations of the same degree and quality with them, should be so long excluded. Neither, as we humbly conceive, is it advantagious to the Government, that the Counties, Cities, and Boroughs, should be confined for so long a time to such Members as they have once chosen to serve for them; the mutual Correspondence and Interests of those who choose and are chosen, admitting of great variations in length of time.

3. The long continuance of any such as are entrusted for others, and who have so great a Power over the Purse of the Nation, must, in our humble Opinion, naturally endanger the producing of Factions and Parties, and the carrying on of particular Interests and Designs, rather than the publick Good.

And we are the more confirmed in our Desires for the said humble Address, by reason of this unhappy breach fallen out betwixt the two Houses, of which the House of Peers hath not given the least occasion; they have done nothing but what their Ancestors and Predecessors have in all times done, and what is according to their Duty, and for the Interest of the People that they should do; which notwithstanding, the House of Commons have proceeded in such an unprecedented and extraordinary way, that it is in our humble Opinion, become altogether unpracticable for the two Houses, as the Case stands, jointly to pursue those great and good Ends for which they were called.

For these Reasons, we do enter this our Protestation against, and Dissent unto the said Vote.

Buckingham,
Winchester,
Salisbury,
Bridgewater,
Dorset,
Westmorland,
Chesterfield,
Stamford,
Berks,
Clarendon,
Shaftsbury,

Fauconberg,
Hallifax,
Yarmouth,
Newport,
Sandys,
Wharton,
Petre,
Mohun,
De la Mer,
Townsend,
Grey of Rolleston.

These were all the Lords that were in the House early enough to sign the Protestation before the Parliament was Prorogued.

Two Seasonable Discourses concerning this present P A R L I A M E N T.

The Debate or Arguments for Dissolving this present *Parliament*;
and the Calling frequent and new Parliaments.

As they were delivered in the House of Lords, Novemb. 20. 1675.

First Printed in the Year 1675.

THat it is according to the Constitution of the Government, the ancient *Laws* and *Statutes* of this *Realm*, that there should be frequent and new *Parliaments*; and the practice of all Ages, till this last, hath been accordingly: *Parliaments*, both long before and after the Conquest, were held three times a year, viz. *Easter*, *Whitsontide*, and *Christmas*, during the space of eight days for each time, and so continued with some variation, as to the times of Calling, and length of Holding; but always very short, until the Reign of *E. 3.* in the 4th year of whose Reign there was a Law made, That *Parliaments* should be holden every year once, or more often: And how this Law is to be understood, whether of a New *Parliament* every year, or Calling the Old, is most manifest, by the practice not only of all the Ages before, but of some hundreds of years since that Law; *Prorogations* or long *Adjournments*, being a thing never heard of until latter years.

And it is most unreasonable, that any particular number of men should for many years ingross to great a Trust of the People, as to be their *Representatives* in the *House of Commons*; and that all other the *Gentry*, and the *Members of Corporations*, of the same Degree and Quality with them, should be so long excluded. Neither is it agreeable with the nature of *Representatives* to be continued for so long a time, and those that chuse them not to be allowed frequent opportunity of changing the hands in which they are obliged to put so great a Trust; the mutual Correspondence and Interests of those who chuse and are chosen admitting of great variations in length of time. How many in this present *House of Commons* are there, whose *Business* and Acquaintance has not given them the occasion of the Correspondence of one Letter (for these many years) with any person of those Places for whom they serve? How many may there be in future *Parliaments*, if continued as long as this; that may be *Protestants* when they are chosen, and yet may come in so many years justly to be suspected to have chang'd their Religion? Nay, how many in this present *Parliament* are there, who were chosen by the People when they were of the same adequate Interest with them, and in length of time, by the Favour and Goodness of the Prince, and their own great Merits, are become Officers in the Court, and about the Revenue? This is not spoken to reflect on them, for many of them have behaved themselves very worthy of those Places; but yet themselves cannot say, that they are equally as free to act for those that chose them, as they were before: Nor are they of the same Interest as when they were chosen; for now they gain and have the advantage by the Peoples Payments: And if they should say, They are the same men they were, we may call their fellow Members that have sat with them to witness, whether the Proverb be not true, that *Honores mutant mores*; whether they have the same Opinion and the same Freedom they had before? Nay, may it not be said without offence, that even in this *House of Commons* there are not a few, who when they were chosen were lookt upon as Men of Estates, and are either since grown or discover'd to be of that indigent condition, that they are much fitter to receive the publick Maintenance than give the publick Money? And it may be charitably supposed, that those Gentlemen are so modest as to be willing to lay down, if they could, the publick Trust. But 'tis most certain, that those Places they serve for, would not be willing to continue them in it. There is no question, but 'tis the King's undisputed Prerogative to call and end *Parliaments* when he pleases; and no man, or number of men, can limit him a time; but the greatest Prince cannot avoid the being limited by the nature of things; *Representatives* of the People are necessary to the making *Laws*, and there is a time when it is morally demonstrable, that men cease to be *Representatives*, there being Circumstances and Proprieties that distinguish every thing as well as person in the World. So that to conclude this Head, we owe the Prince the observance of his time and place, both for Calling and Duration of *Parliaments*; and the Prince owes us, not only the frequencies of *Parliaments*, but that our *Representations* should be preserved to us in them.

And further, if you consider the Constitution of our Government, where the King as Head (from whom all the vital and animal Spirits are diffused through the Body) has the care of all,

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whose

whose Interest is to seek the Welfare of the whole, all being his; the *Strength* of the Nation being his *Strength*, the *Riches* his *Riches*, the *Glory* and *Honour* his *Glory* and *Honour*, and so on the contrary: But lest *Passion*, *Mistake*, *Flattery*, or the ill Designs of those about the Prince should make him grow cross to his Real, and follow a destructive imaginary Interest; there is an Estate of Hereditary Nobility, who are by Birthright the *Counsellors* of the Kingdom, and whose Interest and Business it is to keep the Balance of the Government steady, that the Favourites and great Officers exceed not their bounds, and oppress the People, that Justice be duly administered, and that all parts of the Government be preserved entire; yet even These may grow insolent (a Disease *Greatness* is liable to) or may, by *Offices*, *Dependencies*, *Hopes* of *Promotion*, and other accidents, become, as to the major part of them, rather the obsequious Flatterers of the Court, than true Supporters of the publick and English Interest, and therefore the Excellency of our Government affords us another Estate of Men, which are the *Representatives* of the Freeholders, *Cities*, principal *Boroughs*, and *Corporations* of England, who by the old Law were to be new chosen once a year, if not oftner, so that they perfectly gave the sense of those that chose them, and were the same thing as if those were present that chose, they so newly coming from them, and so quickly returning to give an account of their Fidelity, under the penalty of shame, and no further Trust.

Thus you have in our English Government, the *House of Commons* affording the *Sence*, the *Mind*, the *Information*, the *Complaints*, the *Grievances*, and the *Desires* of all those People for whom they serve, throughout the whole Nation. The People are thus secure, no Laws can be made, nor Money given, but what themselves, though at home, fully consent and agree to. The *Second Estate* in this Government, is the *Lords*, who are the *Council*, the *Wisdom*, and *Judgment* of the Nation, to which their Birth, Education, and constant Employment, being the same in every Parliament, prepares and fits them. The last and Supreme of all, is the *King*, One who gives Life and Vigour to the Proceedings of the other two; the Will and Desires of the People, though approved by the Wisdom and Judgment of the *Lords*, are abortive, unless he bids them be an Act.

Humane Reason can hardly contrive a more excellent Government: But if you will alter this Government, in any of the three Parts of it, the Disorders and Inconveniencies incident to the nature of such Alteration, must necessarily follow: As for instance, the long continuance of any such as are entrusted for others, especially of such as have so great a Power over the Purse of the Nation, must necessarily produce *Cabals* and *Parties*, and the carrying on of private Interests and Court-Factions, rather than the publick Good, or the true Interest either of the King or Kingdom. How vastly is the Privilege of a *Parliament* man encreased since the middle of the Reign of H. 8? Before, it was several times agreed by all the Judges, and observed as the Law, That a Member and his Servants, were exempted only from Arrests and Outlawries, but might be impeached, sued, and attached by his Lands and Goods; yet now they must not be sued in any Case, nor dispossessed of any thing during the time of Privilege; nay, these two last Sessions the Privilege must extend to exempt them even from the Judicature of Parliament itself: As also before the same King's Reign, the House of Commons never thought of Judicature, as being in the nature of their Constitution incapable of it; but since they are not only become Judges of their own Privileges, condemning and imprisoning their fellow-Subjects at pleasure and without an Oath, and also Judges of all Elections, by which very often they and not the places, chuse their fellow Members: But now 'tis come to that, that the House of Commons pass sentence on the Lords Proceedings, make new crimes and add Pre-instruments to them by their own Authority: If you will ask the reason of this change, 'tis plain that Parliaments began in H. 8's time to be longer than they ought; that Prince knowing that long Parliaments were fitted to make great Changes: They have been too frequent since, but never of that length as this; besides all this, the long continuance of Representatives, renders them liable to be corrupted, and won off from the publick Interest; it gives them time to settle their Cabals and Interest at Court, and takes away the great Security the Nation has; that if it be possible to happen that the Spiritual Lords, because of their great Dependance on the Crown, the Popish Lords being under the pressure of so severe Laws, together with the Court-Lords and great Officers, should in any future Age make up a greater number of the House of Lords, and should pass things very prejudicial to the Publick, yet all should prove ineffectual, and the Nation remain safe in an House of Commons lately chosen that have not had time to learn new Sentiments, or to put off their old Principles at a good Market. How great has been the modesty of this present House of Commons, that having had the Purse of the Nation thus long in their Hands, as being those that first begun the Grants of Subsidies & Aids to the King, and so by consequence have all the Addresses made to them, whenever the wants of the Crown (which in this active Age are very often) require it, that they have not made use of it, to the prejudice of the publick, or to their own advantage? It was a very high Temptation, and might easily have rendered them in their own Opinion more than Lords; and they are rather to be commended, that they insisted on no higher terms with the Lords House, than wondred at for what they did, considering the Matter, Ground, and the Circumstances wherein they stood; and yet they were certainly mistaken, and not a little forgot themselves, when they would not allow the Lords House a Power of

of lessening the *Sums* in any *Bill of Subsidie or Aid* that they had once set; which was not only directly contrary to the *Interest* of the *People* that chose them, but against the *ancient* and express *Rule and Custom* of *Parliament*; whereby it is clear, if the *Commons* grant five *Subsidies*, and the *Lords* agree but to four, that *Bill of Subsidy* need not be sent down to the *Commons* for their consent to such an alteration. And they certainly were grown very high in their own *Opinion*, and had a very low esteem for the *Lords*, when they neglected the safety of their best *Friends* in that *House*, and did almost with scorn refuse the passing of the *Bill* for the more fair and equal *Trial of Peers*, which in several *Sessions* was sent down to them. How great were the apprehensions of all sober and wise *Men*, at every meeting of this present *Parliament* during these late years? and how much is to be ascribed to the goodness of our *Prince*, and to the virtue of the *Members* of this present *House of Commons*, that *Honours, Offices, Pensions, Money, Employments, and Gifts* had not been bestowed and accepted, and the *Government*, as in *France, Denmark*, and other *Countries*, made *Absolute*, and at the will of the *Prince*? How easie this may be done in future *Ages* under such *Princes* and such an *House of Commons* as may happen, if long and continued *Parliaments* be allowed for *Law*, may be made some measure of by this, where though the *Prince* had no design, and the *Members* of the *House of Commons* have shewed so great Candor and Self-denial, yet the best *Observers* are apt to think that we owe it to the strong and opposite *Factions* at *Court*, that many things of great Alterations have not passed.

And moreover, it cannot be passed over with silence, nor considered without great thoughts of heart, to what a price a *Member* of the *House of Commons* place is come: In former times, when *Parliaments* were short and frequent, the *Members* constantly received their wages both of their *Counties* and *Boroughs*; many of the poorer *Boroughs* petitioned to be excused from sending *Members*, as not being able to bear their Charge; and were so: *Laws* were made in favour of the *Gentry*, that *Corporations* should compel none but their *Freemen* of their own *Town* to serve for them; nay, you shall find in all the *Ancient Returns of Writs for Knights* of the *Shires*, their *Sureties* for their Appearance returned with them: But now the case is altered, 1500*l.* and 2000*l.* and lately 7000*l.* is a price *Men* pay to be instructed: 'Tis to be hoped the *Charity* of those worthy *Persons*, and their *Zeal* for the *Publick Interest*, has induced them to be at this Expence: But it were better to be otherwise; and there is a scurvy *English Proverb*, That *Men* that buy dear, cannot live by selling cheap. And besides all these, the very *Privilege* of the *Members*, and of those they protect in a *Parliament* of so long duration, is a pressure that the *Nation* cannot well support it self under: So many thousand *Suits of Law* stop, so vast a *Sum of Money* withheld from the right owners, so great a quantity of *Land* unjustly possessed, and in many Cases the length of time securing the possession, and creating a *Title*: And 'tis an *Observation* not unworthy the making, that all this extent of *Privilege* beyond its due bounds has first risen from the *Members* of the *House of Commons*: That *House* to this day pretends to forty days *Privilege* before and after *Parliament*, the *House of Lords* but twenty, and yet the *Privilege* of *Parliament* is the same to both: And if the *House of Commons* obtain their forty days to become *Law and Custom*, the *Lords* will certainly enjoy the same *Privilege*; but the Cure of this Evil is very easie in frequent and short *Parliaments*: The *Members* will affect no larger *Privileges* than are necessary and useful to them; for such as oppress and injure others, cannot expect a second choice, and the present time is but short.

To all this there are two *Objections* that make a great sound, but have really nothing of weight in them: The first *Objection* is, That the *Crown* is in danger if you call a new *Parliament*. If those men be in earnest that urge this, it were to be wished they would consider well what are the *Men* are likely to be chosen, and they are not difficult to be guessed at through the whole *Kingdom*; *Men* of *Quality*, of *Estates*, and of the best *Understanding*; such will never affect change, or disturb the *King's Government*: A New *Parliament* will be the *Nation*, and that will never flit at small matters to render themselves acceptable to their *Prince*. Would the *King* have Acquaintance with his *People*? This is his way. Would he have yet more the Love of his *People*? Thus he is sure to have it. Would the *King* have a considerable *Sum of Money* to pay his *Debts*, and put him at ease? Thus he cannot fail of it; nay, he shall have it as a pledge of endearment between him and his people, they give it themselves, and they know the *King* receives it as from them. The *English Nation* are a generous *People*, and have at all times express themselves ready to supply even the *Humours* and *Excesses* of their *Princes*, and some of the best beloved *Princes* we have had were such as by *War*, or otherwise, put us to the most Expence: Witness *Edward the I, Edward the III, and Henry V*; but then always they were satisfied that the *Honour* of the *Nation* was preserved; and whatever private or personal *Excesses* the *Prince* had, yet the *Nation* was secure, there was no design upon them, neither should their *Money* or their *Strength* be used against them: All this is the Happiness of our present state under our most gracious *King*. But how shall the *People* know and be secure it is so, but by those they annually send up to *Parliament* from amongst themselves? Whereas if the *King* should have a great *Sum of Money* given by this *Parliament*, it would be look'd upon as theirs, not as the *Peoples Gift*; and the best of *Men* with their *Circumstances* cannot avoid the suspicion, when they give much to have received some; and *Men* will not so chearfully undergo the

the Burthen of a *Tax*, and their own Wants in the time of this general *Poverty*, when they apprehend others have the Thanks; and perhaps the Reward of their Sufferings.

The second *Objection* is with great apprehensions and passion urg'd by the Bishops, *That the Church and this Parliament fall together*. Which *Objection*, how vain it is, you will easily confess, if (as we said before) the persons that are like to be chosen be considered; the dissenting Protestants may very probably find more favour and ease, but the Church can never suffer, either in her *Lands* or *Dignities* she now enjoys, by an *House of Commons* consisting of Men of the best Quality and Estates in *England*; as the next certainly will be: But, on the other side, what do the Bishops mean by this assertion? most certainly it is not their intent to make the Interest of the Church and the Nation direct opposite and inconsistent one with the other; and yet in saying this, they confess that this *House of Commons* are not the true Representatives of those they serve for; that the People and They are of different minds; that if they were to chuse again, they would chuse other Men of other Sentiments; and it must be confessed, that whatever is not natural, is by force, and must be maintained by force. A *standing Parliament* and a *standing Army* are like those *Twins* that have their lower parts united, and are divided only above the *Navel*; they were born together, and cannot long out-live each other. Certainly that Man is no friend to the Church, that wishes a *third* incorporated with those two.

To conclude this Debate, the continuance of this present *Parliament* any longer is impracticable; the breach this *House of Commons* has made upon the *Lords*, is unlikely to be repaired with these present Men, as it is to be renew'd by another *House of Commons* of a new Election; if you consider the Power, the *Courtesy*, and the *Adresse*, that these men have for so many years enjoy'd and receiv'd, they may almost be forgiven, if they think themselves greater Men than the *Lords* in the higher House; besides, it is very well known that many of the ablest and most worthy Patriots amongst them have carried this Difference to the greatest height, with this only Design, that by this means they might deliver the Nation from the danger and pressure of a long-continued *Parliament*; whereas a new-chosen *House of Commons*, especially if it were fix'd, and known that it could not remain long, could not be apprehended to have any affection to exceed their just Bounds, nor to renew a Contest where the Interest of the People is manifestly on the *Lords* side; for besides the undoubted Right and constant Practice that the *Lords* enjoy in the Case of Appeals from *Courts of Equity*, all other Expedients, when well considered, give the *Crown*, the *Parties* and *Ministers*, the Power over every Man's Estate in *England*.

Thus you see 'tis the Interest of all sorts of Men to have a new *Parliament*: This will give the King constant and never-failing Supplies, with the Hearts and Good-will of his People: This will not only preserve the Church in the Honors, Dignities, and Revenues she now enjoys, and make her the Protectrix and Asylum of all the Protestants through Europe, but will also increase the Maintenance of the Ministry in Corporations and great Towns, which is now much wanting, and of great concern to the Church. This will procure the dissenting Protestants Ease, Liberty, and Protection: The *Papist* may justly expect by this to be delivered from that grievous pressure of penal Laws they lie under, if they can be contented with being deprived of access to Courts, bearing Offices or Arms: The great Officers and Ministers may under this enjoy their Places undisturbed and in quiet, and be secure with a moderate Council, and reasonable Contentions to attain that in a new *Parliament*, which they have by experience found is impossible in the old. In a word, there is not to be imagined an Interest against this, unless there be an inveterate party still remaining in our World, who to compass their Revenge, and repair their broken Fortunes, would hope to see the *Act of Oblivion* set aside, and this happy Monarchy turned into an Absolute Arbitrary, Military Government; but Charity bids us hope there are no such Men.

A
LETTER
 FROM A
Parliament-Man
 TO HIS
FRIEND,

Concerning the Proceedings of the House of COMMONS
 this last Sessions, begun the 13th of October, 1675. First
 Printed in the Year 1675.

S I R,

I See you are greatly scandalized at our slow and confused Proceedings. I confess you have cause enough; but were you but within these Walls for one half day, and saw the strange Make and Complexion that this House is of, you would wonder as much that ever you wondred at it: For we are such a *pie'd Parliament*, that none can say of what Colour we are; for we consist of old Cavaliers, old Round-heads, *Indigent Courtiers*, and true Country Gentlemen; the two latter are most numerous, and would in probability bring things to some Issue, were they not clogged with the humerous uncertainties of the former. For the *old Cavalier*, grown Aged, and almost past his Vice, is damnable Godly, and makes his dotting Piety more a Plague to the World, than his Youthful Debauchery was: For he is so much a *By-got* to the B—— that he forces his Loyalty to strike Sail to his Religion, and could be content to pare the Nails a little of the Civil Government, so you would but let him sharpen the Ecclesiastical Talons; which behaviour of his so exasperates the Round-head, that he on the other hand cares not what Increases the Interest of the Crown receives, so he can but diminish that of the Miter: So that the Round-head had rather enslave the Man, than the Conscience; the Cavalier rather the Conscience, than the Man; there being a sufficient stock of Animosity as proper Matter to work upon.

Upon these therefore the Courtier mutually plays: For if any *Anti-court Motion* be made, he gains the Round-head either to oppose or absent, by telling them, *If they will joyn him now, he will joyn with them for Liberty of Conscience.* And when any Affair is started on the behalf of the Country, he assures the Cavaliers, *If they will then stand by him, he will then joyn with them in promoting a Bill against the Fanaticks.* Thus play they on both hands, that no Motion of a Publick Nature is made, but they win upon the one or other of them; and by this Art gain a Majority against the Country Gentlemen, which otherwise they would never have: Wherefore it were happy that we had neither Round-head nor Cavalier in the House; for they are each of them so Prejudicate against the other, that their sitting here signifies nothing but their Fostering their old Venom, and lying at Catch to snap every advantage to bear down each other, though it be in the destruction of their Country.

For if the Round-heads bring in a good Bill, the old Cavalier opposes it; for no other reason, but because they brought it in. So that as the poor English Silk-weavers are fain to hire a Frenchman to sell their Ribbons; so are the Round-heads a Cavalier, to move for those Bills they desire should pass; which so sowers the Round-head, that he revenges that carriage